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

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Presidential Documents

Title 3—

The President

Presidential Determination No. 2016–04 of December 2, 2015

Suspension of Limitations Under the Jerusalem Embassy Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104–45) (the ''Act''), I hereby determine that it is necessary, in order to protect the national security interests of the United States, to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act.

You are authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish this determination in the *Federal Register.*

This suspension shall take effect after the transmission of this determination and report to the Congress.

THE WHITE HOUSE,
Washington, December 2, 2015

[FR Doc. 2015–31626
Filed 12–14–15; 8:45 am]
Billing code 4710–10–P

Rules and Regulations

Federal Register
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Tuesday, December 15, 2015

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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 COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 130405335–5999–03]

RIN 0648–BD18

Notice of Delay of Discharge Requirements for U.S. Coast Guard Activities in Greater Farallones and Cordell Bank National Marine Sanctuaries; Correction

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Final rule; delay of effectiveness for discharge requirements with regard to Coast Guard activities; correction.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) published a document in the **Federal Register** of December 1, 2015 concerning the postponement of the discharge requirements for U.S. Coast Guard activities for another 6 months to provide adequate time for completion of an environmental assessment, and subsequent rulemaking, as appropriate. That document was missing the associated Rule Identification Number (RIN).

DATES: Effective on December 15, 2015.

FOR FURTHER INFORMATION CONTACT: Maria Brown, Greater Farallones National Marine Sanctuary Superintendent, at *Maria.Brown@noaa.gov* or 415–561–6622; or Dan Howard, Cordell Bank National Marine Sanctuary Superintendent, at *Dan.Howard@noaa.gov* or 415–464–5260.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of December 1, 2015 (80 FR 74985), on page 74985, in the second column, the agency title should have been followed by the RIN 0648–BD18.

Authority: 16 U.S.C. 1431 *et seq.;* 16 U.S.C. 470.

Dated: December 3, 2015.

John Armor,

Acting Director for the Office of National Marine Sanctuaries.

[FR Doc. 2015–31494 Filed 12–14–15; 8:45 am]

BILLING CODE 3510–NK–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in January 2016. The interest assumptions are used for paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC. As discussed below, PBGC will publish a separate final rule document dealing with interest assumptions under its regulation on Allocation of Assets in Single-Employer Plans for the first quarter of 2016.

DATES: Effective January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*Klion.Catherine@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulation are also published on PBGC's Web site (*http://www.pbgc.gov*).

PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for January 2016.[1]

PBGC normally updates the assumptions under the benefit payments regulation for January at the same time as PBGC updates assumptions for the first quarter of the year under its regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) in a single rulemaking document. Because of delays in obtaining data used in setting assumptions under Part 4044 for the first quarter of 2016, PBGC is publishing two separate rulemaking documents to update the benefit payments regulation for January 2016 and the allocation regulation for the first quarter of 2016.

The January 2016 interest assumptions under the benefit payments regulation will be 1.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for December 2015, these interest assumptions are unchanged.

PBGC has determined that notice and public comment on this amendment are

[1] Appendix B to PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes interest assumptions for valuing benefits under terminating covered single-employer plans for purposes of allocation of assets under ERISA section 4044. Those assumptions are updated quarterly.

impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during January 2016, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR part 4022 is amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 267, as set forth below, is added to the table.

Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*		*		*
267	1–1–16	2–1–16	1.25	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 267, as set forth below, is added to the table.

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*		*		*
267	1–1–16	2–1–16	1.25	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 9th day of December, 2015.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2015–31568 Filed 12–14–15; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–1031]

RIN 1625–AA00

Safety Zone, Great Egg Harbor Bay; Somers Point, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is extending the dates for a temporary safety zone on the waters of Great Egg Harbor Bay in the vicinity of the Garden State Parkway Bridge in Somers Point, NJ. Due to the severe weather felt in the Mid-Atlantic region in the past month the project has been delayed by a number of weeks and more time is needed to complete the critical repairs for the Garden State Parkway Bridge. The safety zone will continue to restrict vessel traffic on a portion of the Great Egg Harbor Bay while critical girder erection work is being conducted as part of the rehabilitation project of the main navigational channel section of the bridge. This extension of the temporary safety zone is necessary to protect the surrounding public and vessels from the hazards associated with the bridge construction operations.

DATES: This rule is effective without actual notice from December 15, 2015 through December 31, 2015. For purposes of enforcement, actual notice will be used from October 5, 2015 through December 15, 2015.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type USCG–2015–1031 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Brennan Dougherty, U.S. Coast Guard, Sector Delaware Bay, Chief Waterways Management Division, Coast Guard; telephone (215) 271–4851, email *Brennan.P.Dougherty@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive order
FR Federal Register
Pub. L. Public Law
§ Section
U.S.C. United States Code
COTP Captain of the Port

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because this critical phase of the rehabilitation work to the Garden State Parkway Bridge, main channel section, poses a safety threat to maritime traffic and a safety zone is needed. Furthermore, the request for work to continue until December 31, 2015 was not received until November 12, 2015. Due to the need for an immediate response and the late notification of the work, providing a notice and comment period would be impractical.

We are issuing this rule, and, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register** because allowing this construction to go forward without a safety zone in place would expose mariners and the public to unnecessary dangers associated with bridge construction operations and navigation channel closure.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231; 33 CFR 1.05–1 and 160.5; and Department of Homeland Security Delegation No. 0170.1. The Captain of the Port, Delaware Bay, has determined that potential hazards associated with bridge construction operations starting October 5, 2015, will be a safety concern for anyone within a 200-yard radius of bridge work, vessels, and machinery. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the bridge work is being conducted.

IV. Discussion of the Rule

This rule establishes the continuation of a safety zone from October 5, 2015, through December 31, 2015, and the zone will be enforced from 7 a.m. to 6 p.m. daily, excluding Sundays. The safety zone will cover all navigable waters within 200 yards of vessels and machinery, at approximate position, 39°17′32″ N., 074°37′32″ W., being used by personnel for construction and repair of the Garden State Parkway Bridge over the Great Egg Harbor Bay in Somers Point, NJ. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while bridge construction operations are being conducted. Entry into, transiting, or anchoring within the safety zone is prohibited unless vessels obtain permission from the Captain of the Port (COTP) or make satisfactory passing arrangements with the construction vessel per this rule and the Rules of the Road (33 CFR Subchapter E). During portions of this project the main navigation channel will be closed each day for vessel traffic from 7 a.m. to 6 p.m., excluding Sundays. These closures are necessary for safety due to hazards associated with bridge maintenance. Bridge work will stop and the channel will be clear for vessels to pass under the bridge between 6 p.m. to 7 a.m. Monday through Saturday; during these hours when bridge work is stopped, mariners may transit the main channel without restrictions. In addition, the channel will be fully available on Sundays and vessels may transit freely. At all times, secondary bridge spans will be clear to pass; vessels able to pass under secondary channel spans may do so at any time. There will be number of working days that the navigation channel will not be obstructed; however, mariners wishing to transit Monday through Saturday between 7 a.m. and 6 p.m. must make passing arrangements with the on scene construction vessel or obtain permission from the COTP or his 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, and duration of the safety zone. Vessel traffic will be able to safely transit from the hours of 6 p.m. to 7 a.m., daily, excluding Sundays. At other times, vessel master may request permission to transit the safety zone. There will be number of working days that the navigation channel will not be obstructed. At all times, secondary bridge spans will be clear to pass; vessels able to pass under secondary channel spans may do so at any time without requesting permission. This safety zone will impact a small designated area of the Great Egg Harbor Bay, in Somers Point, NJ for no more than an 11 hour period each day.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.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.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone in force for no more than 11 hours each day, from October 1, 2015, to December 31, 2015, that prohibits entry within 200 yards of vessels and machinery being used by personnel conducting bridge work on the Garden State Parkway Bridge over the Great Egg Harbor Bay, in Somers Point, NJ. 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 temporary § 165.T05–1031 to read as follows:

§ 165.T05–1031 Safety Zone, Great Egg Harbor Bay; Somers Point, NJ

(a) *Location.* The following area is a safety zone: all the waters of Great Egg Harbor Bay, 200 yards around the main channel portion of the bridge, in approximate position 39°17′32″ N., 074°37′32″ W. These coordinates are based upon North American Datum 83 (NAD 83).

(b) Definitions. (1) *The Captain of the Port* means the Commander of Sector Delaware Bay or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Designated representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Delaware Bay, to assist in enforcing the safety zone described in paragraph (a) of this section.

(c) *Regulations.* The general safety zone regulations found in 33 CFR part 165 subpart C apply to the safety zone created by this section.

(1) During periods of full channel closures, the main navigational channel will be obstructed and vessels will be unable to pass. Secondary bridge spans will be clear to pass; vessels able to pass under secondary channel spans may do so.

(2) Vessels wishing to transit the safety zone in the main navigational channel may do so if they can make satisfactory passing arrangements with the on-scene construction vessel in accordance with the Navigational Rules in 33 CFR Subchapter E. If vessels are unable to make satisfactory passing arrangements with the on-scene construction vessel, they may request permission from the COTP or his designated representative on VHF channel 16.

(3) There will be number of working days that the navigation channel will not be obstructed; however, mariners wishing to transit during the enforcement period must still comply with the procedures in paragraph (c)(2) of this section.

(4) The main channel will be clear from the hours of 6 p.m. to 7 a.m. daily, and every Sunday throughout the course of the project. Vessels may transit through the safety zone at these times without restriction.

(5) This section applies to all vessels wishing to transit through the safety zone except vessels that are engaged in the following operations: enforcing laws; servicing aids to navigation, and emergency response vessels.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted by Federal, State, and local agencies in the patrol and enforcement of the zone.

(e) *Enforcement period.* This rule will continue to be enforced from 7 a.m. to 6 p.m. each day except Sundays, from October 5, 2015, to December 31, 2015, unless cancelled earlier by the Captain of the Port.

Dated: December 9, 2015.

Benjamin A. Cooper,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2015–31489 Filed 12–14–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0998]

RIN1625–AA00

Safety Zone, Delaware River; Marcus Hook, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of the Delaware River in the vicinity of Marcus Hook, Pennsylvania. The safety zone will temporarily restrict vessel traffic from transiting or anchoring in a portion of the Delaware River while rock blasting, dredging, and rock removal operations are being conducted to facilitate the Delaware River Main Channel Deepening project for the main navigational channel of the Delaware River. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by rock blasting, dredging, and rock removal operations. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Delaware Bay, or his designated representatives.

DATES: This rule is effective without actual notice from December 15, 2015 through March 15, 2016. For the purposes of enforcement, actual notice will be used from December 4, 2015 through December 15, 2015.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type USCG–2015–0998 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Brennan Dougherty, Sector Delaware Bay, Chief Waterways Management Division, U.S. Coast Guard; telephone (215) 271–4850, email *Brennan.P.Dougherty@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency, for good cause, finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impractical due to environmental restrictions which require all blasting operations to be conducted between December 15, 2015 to March 15, 2016. Furthermore, the final details of the rock blasting, dredging, and rock removal operation were not received until October 28, 2015. Due to the criticality of this phase of the Delaware River Main Channel Deepening project, immediate action is needed to accommodate operations while also ensuring vessels can safely transit through Marcus Hook Range in Delaware River during this time. Going forward without establishing a safety zone would expose mariners and the public to unnecessary dangers associated with rock blasting, dredging, and rock removal operations.

For similar reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231; 33 CFR 1.05–1 and 160.5; and Department of Homeland Security Delegation No. 0170.1. The Captain of the Port, Delaware Bay, has determined that potential hazards associated with rock blasting, dredging, and rock removal operations starting December 04, 2015 will be a safety concern for anyone within 500 yards of rock blasting, dredging, and rock removal operations. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the operational area.

IV. Discussion of the Rule

This rule establishes a safety zone from December 15, 2004 until March 15, 2016. The safety zone will cover all navigable waters in the Delaware River within 500 yards of vessels and machinery being used by personnel to conduct rock blasting, dredging, and rock removal. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while operations are being conducted. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Delaware Bay, or his designated representative. For the duration of the project, in the vicinity of the rock blasting, rock removal, and dredging operation, one side of the main navigational channel will be closed. Vessels wishing to transit the safety zone in the main navigational channel may do so if they can make satisfactory passing arrangements with drill boat APACHE or the dredge TEXAS in accordance with the Navigational Rules in 33 CFR Subchapter E via VHF–FM Channel 13 at least 30 minutes prior to arrival. If vessels are unable to make satisfactory passing arrangements with the drill boat APACHE or the dredge TEXAS, they may request permission from the Captain of the Port, or his designated representative, on VHF–FM channel 16. All vessels must operate at the minimum safe speed necessary to maintain steerage and reduce wake.

No vessels may transit through the safety zone during times of explosives detonation. During rock blasting detonation vessels will be required to maintain a 500 yard distance from the drill boat APACHE. The drill boat APACHE will make broadcasts, via VHF–FM Channel 13 and 16, at 15 minutes, 5 minutes, and 1 minute prior to detonation, as well as a countdown to detonation on VHF–FM Channel 16. Sector Delaware Bay will ensure significant notice will be given to the maritime community of dates and times of blasting via broadcast notice to mariners on VHF–FM Channel 16. After every explosive detonation a survey will be conducted to ensure the navigational channel is clear for vessels to transit. The drill boat APACHE will broadcast, via VHF–FM channel 13 and 16, when the survey has been completed and the channel is clear to transit. Vessels requesting to transit through the safety zone shall proceed as directed by the designated representative of the Captain

of the Port, and shall contact the drill boat APACHE and the dredge TEXAS on VHF–FM channel 13 for safe passing information.

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 traffic management of the safety zone. The Coast Guard does not anticipate any significant economic impact because the safety zone will be enforced in an area and in a manner that does not conflict with transiting commercial and recreational traffic, except for the short periods of time when explosive detonation evolutions are being conducted. The blasting detonations will not occur more than three times a day. At all other times, at least one side of the main navigational channel will be open for vessels to transit. Moreover, the Coast Guard will work in coordination with the pilots to ensure vessel traffic is limited during the times of detonation and Broadcast Notice to Mariners are made via VHF–FM marine channel 13 and 16 when blasting operations will occur.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to anchor in or 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.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone in force from December 04, 2015, to March 15, 2016 that prohibits entry within 500 yards of vessels and machinery being used by personnel conducting rock blasting, dredging, and rock removal operations in the Delaware River near Marcus Hook, PA between the southern end of Marcus Hook Anchorage to the western end of Little Tinicum Island, at the entrance to Darby Creek. 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 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 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 temporary § 165.T05–0998, to read as follows:

§ 165.T05–0998 Safety Zone, Delaware River; Marcus Hook, PA.

(a) *Location.* The following area is a safety zone: all the waters of the Delaware River within 500 yards of the dredge performing rock blasting, rock removal, and dredging operations, in the vicinity of Marcus Hook, PA between the southern end of Marcus Hook Anchorage to the western end of Little Tinicum Island, at the entrance to Darby Creek.

(b) *Definitions.* (1) *The Captain of the Port* means the Commander of Sector Delaware Bay or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Designated representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Delaware Bay, to assist in enforcing the safety zone described in paragraph (a) of this section.

(c) *Regulations.* The general safety zone regulations found in 33 CFR part 165 subpart C apply to the safety zone created by this section.

(1) All persons and vessels are prohibited from entering this zone, except as authorized by the Captain of the Port, or his designated representative.

(2) Vessels wishing to transit the safety zone in the main navigational channel may do so if they can make satisfactory passing arrangements with the drill boat APACHE or the dredge TEXAS in accordance with the Navigational Rules in 33 CFR Subchapter E via VHF–FM Channel 13 at least 30 minutes prior to arrival. If vessels are unable to make satisfactory passing arrangements with the drill boat APACHE or the dredge TEXAS, they may request permission from the Captain of the Port, or his designated representative, on VHF–FM channel 16.

(3) The operator of any vessel requesting to transit through the safety zone shall proceed as directed by the designated representative of the Captain of the Port and must operate at the minimum safe speed necessary to maintain steerage and reduce wake.

(4) No vessels may transit through the safety zone during times of explosives detonation. During rock blasting detonation vessels will be required to maintain a 500 yard distance from the drill boat APACHE. The drill boat APACHE will make broadcasts, via VHF–FM Channel 13 and 16, at 15 minutes, 5 minutes, and 1 minute prior to detonation, as well as a countdown to detonation on VHF–FM Channel 16.

(5) After every explosive detonation a survey will be conducted to ensure the navigational channel is clear for vessels to transit. The drill boat APACHE will broadcast, via VHF–FM channel 13 and 16, when the survey has been completed and the channel is clear to transit. Vessels requesting to transit through the safety zone shall proceed as directed by the designated representative of the Captain of the Port and contact the drill boat APACHE on VHF–FM channel 13 to make safe passing arrangements.

(6) This section applies to all vessels wishing to transit through the safety zone except vessels that are engaged in the following operations:

(i) Enforcing laws;

(ii) Servicing aids to navigation; and

(iii) Emergency response vessels.

(7) No person or vessel may enter or remain in a safety zone without the permission of the Captain of the Port;

(8) Each person and vessel in a safety zone shall obey any direction or order of the Captain of the Port;

(9) No person may board, or take or place any article or thing on board, any vessel in a safety zone without the permission of the Captain of the Port; and

(10) No person may take or place any article or thing upon any waterfront facility in a safety zone without the permission of the Captain of the Port.

(d) *Enforcement officials.* The U.S. Coast Guard may be assisted by Federal, State, and local agencies in the patrol and enforcement of the zone.

(e) *Enforcement period.* This rule will be enforced from December 04, 2015, to March 15, 2016, unless cancelled earlier by the Captain of the Port.

Dated: December 9, 2015.

Benjamin A. Cooper

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2015–31488 Filed 12–14–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 1, 7, 24, 45, 241, 310, and 761

[FRL 9936–38–OSWER]

Name Change From the Office of Solid Waste and Emergency Response (OSWER) to the Office of Land and Emergency Management (OLEM)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is issuing this final rule to change the name of the Office of Solid Waste and Emergency Response (OSWER) to the Office of Land and Emergency Management (OLEM). This action is being taken to more accurately reflect the nature of the work that this office does to protect human health and the environment. In addition, technical corrections are made to more accurately state the laws implemented previously by OSWER (now OLEM), and to reflect prior organizational changes.

DATES: This rule is effective on December 15, 2015.

FOR FURTHER INFORMATION CONTACT: Patricia Derkasch, EPA, Office of Land and Emergency Management (OLEM), Office of Program Management (OPM), Mail Code: 5103T; telephone 202.566.2949; email address *derkasch.patricia@epa.gov;* or Gerain Cogliano, EPA, Office of Land and Emergency Management (OLEM), Office of Program Management (OPM), Mail Code: 5103T; telephone 202.566.1929; email address *cogliano.gerain@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action provides notice directed to the public in general and has particular applicability to anyone who wants to communicate with the new Office of Land and Emergency Management, or to submit information to the Office. Since this action predominantly affects the internal organization of the EPA, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get additional information, including copies of this document or other related information?

To obtain electronic copies of this document and other related information that are available electronically, please visit *www.epa.gov/olem/,* which should redirect to the new OLEM homepage.

II. Background

A. What action is the agency taking?

This action changes the organizational name of an EPA office as it appears in various parts of the Code of Federal Regulations to more accurately reflect the current functions of that office. The notice changes the name of the Office of Solid Waste and Emergency Response (OSWER) to the Office of Land and Emergency Management (OLEM).

In addition, this action amends 40 CFR 1.47 to provide a more complete list of the various land protection and pollution emergency laws that fall under the Office's authority, including the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA); the Emergency Planning & Community Right-to-Know Act of 1986 (EPCRA); the Oil Pollution Act (OPA); the Resource Conservation and Recovery Act (RCRA); section 311 of the Clean Water Act; and the Mercury-Containing and Rechargeable Battery Management Act. This listing merely restates the existing responsibilities of the Office, and does not add to or subtract from those responsibilities.

Two sentences are appended to 40 CFR 1.47 to clarify that for the purposes of 42 U.S.C. 6911(a) and 6911a, the functions of the Office of Solid Waste are carried out by OLEM, and the functions and duties of the Assistant Administrator of the Office of Solid Waste are carried out by the Assistant Administrator for the Office of Land and Emergency Management.

Finally, this action deletes the descriptions of sub-offices within the Office found at 40 CFR 1.47(a) through (d). The text in the opening paragraph of 40 CFR 1.47 provides a full explanation of the role played by the Office and the additional language in the subsections is unnecessary. In addition, some of the descriptions in the subsections are out of date. None of the changes described above affect the rights or obligations of third parties.

B. What is the agency's authority for taking this action?

The EPA is issuing this document under its general rulemaking authority, Reorganization Plan No. 3 of 1970 (5 U.S.C. app.). Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(A), provides that ''rules of agency organization, procedure, or practice'' are exempt from notice and comment requirements, and the 30-day delay in effectiveness.

Because the exemption in 5 U.S.C. 553(a)(2) applies to this action, the EPA is making this rule immediately effective. Delaying its effectiveness by 30 days would serve no purpose and could, in fact, create a short period of public confusion. Because the rule is effective immediately, this action also is final for the purposes of judicial review under RCRA section 7006(a), 42 U.S.C. 6976(a).

III. Do any of the statutory and executive order reviews apply to this action?

This final rule implements a name change to one of the EPA's offices and does not otherwise impose or change any requirements. This action is not a ''significant regulatory action'' and is therefore not subject to OMB review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or Sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments. This action does not create new binding legal requirements that substantially and directly affect Tribes under Executive Order 13175 (65 FR 67249, November 9, 2000). This action does not have significant Federalism implications under Executive Order 13132 (64 FR 43255, August 10, 1999). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994). This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.,* generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. This final action is exempt from the CRA because it is a rule relating to agency management or personnel and a rule of agency organization, procedure or practice that does not substantially affect the rights or obligations of non-agency parties.

List of Subjects

40 CFR Part 1

Environmental protection, Administrative practice and procedure, Intergovernmental relations, Organization and functions.

40 CFR Part 7

Environmental protection, Administrative practice and procedure, Organization and functions, Waste treatment and disposal.

40 CFR Part 24

Environmental protection, Administrative practice and procedure, Organization and functions.

40 CFR Part 45

Environmental protection, Education, Waste treatment and disposal.

40 CFR Part 241

Environmental protection, Air pollution control, Reporting and recordkeeping requirements, Waste treatment and disposal.

40 CFR Part 310

Environmental protection, Administrative practice and procedure, Intergovernmental relations, Waste treatment and disposal.

40 CFR Part 761

Environmental protection, Polychlorinated biphenyls (PCBs), Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: November 25, 2015.

Gina McCarthy,

Administrator.

For the reasons set forth in the preamble, title 40 of the Code of Federal Regulations is amended as follows:

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

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

Authority: 5 U.S.C. 552.

■ 2. Revise § 1.47 to read as follows:

§ 1.47 Office of Land and Emergency Management.

The Office of Land and Emergency Management (OLEM), also referred to as the Office of Solid Waste, or the Office of Solid Waste and Emergency Response, under the supervision of the Assistant Administrator for Land and Emergency Management, also referred to as the Assistant Administrator of the Office of Solid Waste, provides Agencywide policy, guidance, and direction for the Agency's solid and hazardous wastes and emergency response programs. This Office has primary responsibility for implementing the Resource Conservation and Recovery Act (RCRA); the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA—''Superfund''), as amended by the Superfund Amendments and Reauthorization Act (SARA); the Emergency Planning and Community Right-to-Know Act; the Oil Pollution Act; Clean Water Act section 311; and the Mercury-Containing and Rechargeable Battery Management Act; among other laws. In addition to managing those programs, the Assistant Administrator serves as principal adviser to the Administrator in matters pertaining to them. The Assistant Administrator's responsibilities include: Program policy development and evaluation; development of appropriate hazardous waste standards and regulations; ensuring compliance with applicable laws and regulations; program policy guidance and overview, technical support, and evaluation of Regional solid and hazardous wastes and emergency response activities; development of programs for technical, programmatic, and compliance assistance to States and local governments; development of guidelines and standards for the land disposal of hazardous wastes; analyses of the recovery of useful energy from solid waste; development and implementation of a program to respond to uncontrolled hazardous waste sites and spills (including oil spills); long-term strategic planning and special studies; economic and long-term environmental analyses; economic impact assessment of regulations under RCRA, CERCLA, and other relevant statutes; analyses of alternative technologies and trends; and cost-benefit analyses and development of OLEM environmental criteria. For purposes of 42 U.S.C. 6911(a), OLEM carries out the functions of the Office of Solid Waste. For purposes of 42 U.S.C. 6911a, the functions and duties of the Assistant Administrator of the Office of Solid Waste are carried out by the Assistant Administrator for the Office of Land and Emergency Management.

PART 7—NONDISCRIMINATION IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY

■ 3. The authority citation for part 7 continues to read as follows:

Authority: 42 U.S.C. 2000d to 2000d–7 and 6101 *et seq.;* 29 U.S.C. 794; 33 U.S.C. 1251nt.

■ 4. Amend Appendix A to Part 7—Types of EPA Assistance as Listed in the ''Catalog of Federal Domestic Assistance'' by revising entry ''20'' to read as follows:

Appendix A to Part 7—Types of EPA Assistance as Listed in the ''Catalog of Federal Domestic Assistance''

* * * * *

20. Assistance provided by the Office of Land and Emergency Management under the Comprehensive Environmental Responses, Compensation and Liability Act of 1980; Pub. L. 96–510, section 3012, 42 U.S.C. 9601, *et seq.* (OLEM—number not to be assigned since Office of Management and Budget does not catalog one-year programs.)

* * * * *

PART 24—RULES GOVERNING ISSUANCE OF AND ADMINISTRATIVE HEARINGS ON INTERIM STATUS CORRECTIVE ACTION ORDERS

■ 5. The authority citation for part 24 continues to read as follows:

Authority: 42 U.S.C.s 6912, 6928, and 6991b.

■ 6. Amend § 24.02 by revising paragraph (b) to read as follows:

§ 24.02 Issuance of initial orders; definition of final orders and orders on consent.

* * * * *

(b) The initial administrative order shall be executed by an authorized official of EPA (petitioner), other than the Regional Administrator or the Assistant Administrator for the Office of Land and Emergency Management. For orders issued by EPA Headquarters, rather than by a Regional office, all references in these procedures to the Regional Administrator shall be understood to be to the Assistant Administrator for Land and Emergency Management or his delegatee.

* * * * *

PART 45—TRAINING ASSISTANCE

■ 7. The authority citation for part 45 continues to read as follows:

Authority: Sec. 103 of the Clean Air Act, as amended (42 U.S.C. 7403), secs. 104(g), 109, and 111 of the Clean Water Act, as amended (33 U.S.C. 1254(g), 1259, and 1261), secs. 7007 and 8001 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6977 and 6981); sec. 1442 of the Safe Drinking Water Act, as amended (42 U.S.C. 300j–1). 2 CFR 200.

■ 8. Amend the table in appendix A to part 45 by revising the last entry to read as follows:

Appendix A to Part 45—Environmental Protection Agency Training Programs

	Administering office	
	Headquarters	Regional
* * * * * * *		
Office of Land and Emergency Management: Hazardous Waste Training.	X	

PART 241—SOLID WASTES USED AS FUELS OR INGREDIENTS IN COMBUSTION UNITS

■ 9. The authority citation for part 241 continues to read as follows:

Authority: 42 U.S.C. 6903, 6912, 7429.

■ 10. Amend § 241.3 by revising paragraphs (c) introductory text, (c)(1) introductory text, (c)(2) introductory text, (c)(2)(ii), (c)(2)(iii), and (c)(2)(iv) to read as follows:

§ 241.3 Standards and procedures for identification of non-hazardous secondary materials that are solid wastes when used as fuels or ingredients in combustion units.

* * * * *

(c) The Regional Administrator may grant a non-waste determination that a non-hazardous secondary material that is used as a fuel, which is not managed within the control of the generator, is not discarded and is not a solid waste when combusted. This responsibility may be retained by the Assistant Administrator for the Office of Land and Emergency Management if combustors are located in multiple EPA Regions and the petitioner requests that the Assistant Administrator process the non-waste determination petition. If multiple combustion units are located in one EPA Region, the application must be submitted to the Regional Administrator for that Region. The criteria and process for making such non-waste determinations includes the following:

(1) Submittal of an application to the Regional Administrator for the EPA Region where the facility or facilities are located or the Assistant Administrator for the Office of Land and Emergency Management for a determination that the non-hazardous secondary material, even though it has been transferred to a third party, has not been discarded and is indistinguishable in all relevant aspects from a fuel product. The determination will be based on whether the non-hazardous secondary material that has been discarded is a legitimate fuel as specified in paragraph (d)(1) of this section and on the following criteria:

* * * * *

(2) The Regional Administrator or Assistant Administrator for the Office of Land and Emergency Management will evaluate the application pursuant to the following procedures:

* * * * *

(ii) The Regional Administrator or Assistant Administrator for the Office of Land and Emergency Management will evaluate the application and issue a draft notice tentatively granting or denying the application. Notification of this tentative decision will be published in a newspaper advertisement or radio broadcast in the locality where the facility combusting the non-hazardous secondary material is located, and be made available on the EPA's Web site.

(iii) The Regional Administrator or the Assistant Administrator for the Office of Land and Emergency Management will accept public comments on the tentative decision for 30 days, and may also hold a public hearing upon request or at his/her discretion. The Regional Administrator or the Assistant Administrator for the Office of Land and Emergency Management will issue a final decision after receipt of comments and after a hearing (if any). If a determination is made that the non-hazardous secondary material is a non-waste fuel, it will be retroactive and apply on the date the petition was submitted.

(iv) If a change occurs that affects how a non-hazardous secondary material meets the relevant criteria contained in this paragraph (c) after a formal non-waste determination has been granted, the applicant must re-apply to the Regional Administrator or the Assistant Administrator for the Office of Land and Emergency Management for a formal determination that the non-hazardous secondary material continues to meet the relevant criteria and, thus, is not a solid waste.

* * * * *

PART 310—REIMBURSEMENT TO LOCAL GOVERNMENTS FOR EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE RELEASES

■ 11. The authority citation for part 310 continues to read as follows:

Authority: 42 U.S.C. 9611(c)(11), 9623.

■ 12. Amend § 310.15 by revising paragraph (d) to read as follows:

§ 310.15 How do I apply for reimbursement?

* * * * *

(d) Mail your completed application and supporting data to the LGR Project Officer, (5401A), Office of Emergency Management, Office of Land and Emergency Management, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

PART 761—POLYCHLORINATED BIPHENYLS (PCBs) MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS

■ 13. The authority citation for part 761 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2611, 2614, and 2616.

■ 14. Amend § 761.60 by revising paragraph (i)(1) to read as follows:

§ 761.60 Disposal requirements.

* * * * *

(i) * * * (1) The officials designated in paragraph (e) of this section and § 761.70(a) and (b) to receive requests for approval of PCB disposal activities are the primary approval authorities for these activities. Notwithstanding, EPA may, at its discretion, assign the authority to review and approve any aspect of a disposal system to the Office of Land and Emergency Management or to a Regional Administrator.

* * * * *

[FR Doc. 2015–31061 Filed 12–14–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0334; FRL–9940–05–Region 10]

Approval and Promulgation of Implementation Plans; Washington: Interstate Transport of Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Clean Air Act (CAA) requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting emissions that will have certain adverse air quality effects in other states. On May 11, 2015, the State of Washington made a submittal to the Environmental Protection Agency (EPA) to address these requirements. The EPA is approving the submittal as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will contribute significantly to nonattainment or interfere with maintenance of the 2008 ozone National Ambient Air Quality Standard (NAAQS) in any other state.

DATES: This final rule is effective January 14, 2016.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2015–0334. 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, *e.g.*, Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet

and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air Programs Unit, Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

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

SUPPLEMENTARY INFORMATION:

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I. Background Information

On October 27, 2015, the EPA proposed to find that Washington adequately addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS (80 FR 65672). An explanation of the CAA requirements, a detailed analysis of the submittal, and the EPA's reasons for approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for this proposed rule ended on November 27, 2015. The EPA received no comments on the proposal.

II. Final Action

The EPA approves the Washington SIP as meeting the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2008 ozone NAAQS.

III. Statutory and Executive Orders Review

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

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

The SIP is not approved to apply on any Indian reservation land in Washington except as specifically noted below and is also not approved to apply in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Washington's SIP is approved to apply on non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the *Puyallup Tribe of Indians Settlement Act of 1989*, 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area.

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 16, 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: December 1, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart WW—Washington

■ 2. In § 52.2470, paragraph (e) is amended by adding an entry to the end of ''Table 2 –Attainment, Maintenance, and Other Plans'' to reads as follows:

§ 52.2470 Identification of plan.

* * * * *

(e) * * *

TABLE 2—ATTAINMENT, MAINTENANCE, AND OTHER PLANS

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA Approval date	Comments
*	* * * *	*	*	*
Interstate Transport for the 2008 Ozone NAAQS.	Statewide	5/11/15	12/15/15 [Insert **Federal Register** citation].	This action addresses CAA 110(a)(2)(D)(i)(I).

[FR Doc. 2015–31460 Filed 12–14–15; 8:45 am]

BILLING CODE 6560–50–P

GULF COAST ECOSYSTEM RESTORATION COUNCIL

40 CFR Part 1800

[Docket Number: 112152015–1111–10]

RESTORE Act Spill Impact Component Allocation

AGENCY: Gulf Coast Ecosystem Restoration Council.

ACTION: Final rule.

SUMMARY: This rule sets forth the Gulf Coast Ecosystem Restoration Council's (Council) regulation to implement the Spill Impact Component of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). This rule establishes the formula allocating funds made available from the Gulf Coast Restoration Trust Fund among the Gulf Coast States of Alabama, Florida, Louisiana, Mississippi and Texas (''State'' or ''States'') pursuant to Sec. 1603(3) of the RESTORE Act.

DATES: This rule will become effective on the date the Council publishes in the **Federal Register** a document confirming that the United States District Court for the Eastern District of Louisiana has entered a consent decree (Consent Decree) among the United States, the States and BP with respect to the civil penalty and natural resource damages in case number MDL No. 2179.

ADDRESSES: The Council posted all comments on the proposed rule on its Web site, *www.restorethegulf.gov,* without change.

FOR FURTHER INFORMATION CONTACT: Will Spoon at (504) 239–9814.

SUPPLEMENTARY INFORMATION:

Background

The Gulf Coast region is vital to our nation and our economy, providing valuable energy resources, abundant seafood, extraordinary beaches and recreational activities, and a rich natural and cultural heritage. Its waters and coasts are home to one of the most diverse natural environments in the world—including over 15,000 species of sea life and millions of migratory birds. The Gulf has endured many catastrophes, including major hurricanes such as Katrina, Rita, Gustav and Ike in the last ten years alone. The region has also experienced the loss of critical wetland habitats, erosion of barrier islands, imperiled fisheries, water quality degradation and significant coastal land loss. More recently, the health of the region's ecosystem was significantly affected by the *Deepwater Horizon* oil spill. As a result of the oil spill, the Council has been given the great responsibility of helping to address ecosystem challenges across the Gulf.

In 2010 the *Deepwater Horizon* oil spill caused extensive damage to the Gulf Coast's natural resources, devastating the economies and communities that rely on it. In an effort to help the region rebuild in the wake of the spill, Congress passed and the President signed the RESTORE Act, Public Law 112–141 sections 1601–1608, 126 Stat. 588 (Jul. 6, 2012), codified at 33 U.S.C. 1321(t) and *note.* The RESTORE Act created the Gulf Coast Restoration Trust Fund (Trust Fund) and dedicates to the Trust Fund 80% of all civil and administrative penalties paid under the Clean Water Act, after enactment of the RESTORE Act, by parties responsible for the *Deepwater Horizon* oil spill.

Under the RESTORE Act, these funds will be made available through five components. The Department of the Treasury (Treasury) has issued regulations (79 FR 48039 (Aug. 15, 2014)), adopting an interim final rule at 31 CFR part 34) (Treasury Regulations), applicable to all five components, that generally describe the responsibilities of the Federal and State entities that administer RESTORE Act programs and carry out restoration activities in the Gulf Coast region.

Two of the five components, the Council-Selected Restoration Component and the Spill Impact Component, are administered by the Council, an independent Federal entity created by the RESTORE Act. Under the Spill Impact Component (33 U.S.C. 1321(t)(3)), the subject of this rule, 30% of funds in the Trust Fund will be disbursed to the States based on allocation criteria set forth in the RESTORE Act.[1] In order for funds to be disbursed to a State, the RESTORE Act requires each State to develop a State Expenditure Plan (SEP) and submit it to the Council for approval. The RESTORE Act specifies particular entities within the States to prepare these plans.

SEPs must meet the following four criteria set forth in the RESTORE Act: (1) All projects, programs and activities (activities) included in the SEP are eligible activities under the RESTORE Act (33 U.S.C. 1321(t)(3)(B)(i)(I)); (2) all activities included in the SEP contribute to the overall economic and ecological recovery of the Gulf Coast (33 U.S.C. 1321(t)(3)(B)(i)(II)); (3) the SEP takes the Council's Comprehensive Plan into consideration and is consistent with the goals and objectives of the Comprehensive Plan (33 U.S.C. 1321(t)(3)(B)(i)(III)); and (4) no more than 25% of the allotted funds are used for infrastructure projects unless the SEP contains certain certifications pursuant to 33 U.S.C. 1321(t)(3)(B)(ii) (33 U.S.C. 1321(t)(3)(B)(ii)). If the Council determines that an SEP meets the four criteria listed above and otherwise complies with the RESTORE Act and the applicable Treasury Regulations, the Council must approve the SEP based upon such determination within 60 days after a State submits an SEP to the Council. 33 U.S.C. 1321(t)(3)(B)(iv).

The funds the Council disburses to the States upon approval of an SEP will be in the form of grants. As required by Federal law, the Council will award a Federal grant or grants to each of the States and incorporate into the grant award(s) standard administrative terms

[1] 33 U.S.C. 1321(t)(3)(A)(ii). The Council previously promulgated a regulation permitting each State to access up to 5% of the total amount available in the Trust Fund under the Spill Impact Component (the statutory minimum guaranteed to each State). These funds could be used for planning purposes associated with developing a State Expenditure Plan. 80 FR 1584 (Jan. 13, 2015); 40 CFR 1800.20.

on such topics as recordkeeping, reporting and auditing. The Council will establish and implement a compliance program to ensure that the grants it issues comply with the terms of the grant agreement.

The ultimate amount of administrative and civil penalties potentially available to the Trust Fund is not yet certain. On January 3, 2013, the United States announced that Transocean Deepwater Inc. and related entities agreed to pay $1 billion in civil penalties for violating the Clean Water Act in relation to their conduct in the *Deepwater Horizon* oil spill. The settlement was approved by the court in February 2013, and pursuant to the RESTORE Act approximately $816 million (including interest) has been paid into the Trust Fund. On October 5, 2015, the United States announced that it had lodged a proposed Consent Decree among the United States, the States and BP with the United States District Court for the Eastern District of Louisiana, providing for settlement of all civil claims against BP arising from the *Deepwater Horizon* oil spill. If made final, the proposed Consent Decree would require BP to pay to the United States a civil penalty under the Clean Water Act of $5.5 billion, plus interest, payable in installments over fifteen years. Under the RESTORE Act 80% of those payments, or $4.4 billion plus interest, would be dedicated to the Trust Fund and allocated to the five components based on percentages defined in the RESTORE Act, including 30% to the Spill Impact Component, the subject of this rule. There are, however, additional steps that must be completed before such funds may become available. The Consent Decree will not become final until a public comment process has been completed and the court has approved and entered the Consent Decree. This rule will become effective on the date when and if notice is published in the **Federal Register** confirming that the Consent Decree has been approved and entered by the court.

This Rule

This rule establishes the formula for allocating among the five States funds made available through the Spill Impact Component of the Trust Fund (Spill Impact Component), as required by the RESTORE Act, and supplements the Treasury Regulations. This rule, and the application of any determinations made hereunder, is limited to the Spill Impact Component and is promulgated solely for the purpose of establishing such allocation. The Council takes no position on what data or determinations may be appropriate for other uses, including for any other Component of the RESTORE Act or in connection with natural resource damage assessments, ongoing litigation, any other law or regulation or any rights or obligations in connection therewith.

The RESTORE Act mandates that funds made available from the Trust Fund for the Spill Impact Component be disbursed to each State based on a formula established by the Council by a regulation based on a weighted average of the following three criteria: (1) 40% based on the proportionate number of miles of shoreline in each State that experienced oiling on or before April 10, 2011, compared to the total number of miles of shoreline throughout the Gulf Coast region that experienced oiling as a result of the *Deepwater Horizon* oil spill; (2) 40% based on the inverse proportion of the average distance from the mobile offshore drilling unit *Deepwater Horizon* at the time of the explosion to the nearest and farthest point of the shoreline that experienced oiling of each State; and (3) 20% based on the average population in the 2010 Decennial Census of coastal counties bordering the Gulf of Mexico within each State. 33 U.S.C. 1321(t)(3)(A)(ii).

Public Comments and Summary of Changes to Final Rule

On September 29, 2015, the Council published a proposed rule (80 FR 58417) establishing the formula for allocating among the five States funds made available through the Spill Impact Component, as required by the RESTORE Act. During the thirty-day comment period the Council received eleven written comments addressing the draft rule, from private citizens, other government entities (such as state, county and local entities), non-governmental organizations and others. All comments were reviewed and carefully considered by the Council before finalizing the rule. (The Council received fourteen additional comments not addressing the draft rule (for example, addressing specific restoration project preferences or addressing the Funded Priorities List) and did not respond to those comments herein.)

The Council has made one clarifying edit to the final rule. In the first sentence of 40 CFR 1800.400, the phrase ''coastal political subdivisions'' has been replaced by ''coastal counties'' in conformance with the Act pursuant to 33 U.S.C. 1321(t)(3)(A)(ii)(III).

General Comments/Responses

Comment: Several commenters suggested or encouraged the Council to allocate Spill Impact Component funds to specific projects, specific ecological or economic areas of concern, or specific geographic areas.

Response: The Council appreciates these comments and the expressions of concern for the ecosystems and economies of the Gulf Coast region. However, the purpose of the rule as required by the RESTORE Act is only to establish a percentage formula for allocation of Spill Impact Component funds; the rule does not address implementation. The implementation of projects and programs under this Component will take place pursuant to other provisions of the RESTORE Act (*e.g.,* the Council's State Expenditure Plan (SEP) Guidelines available at *www.restorethegulf.gov/sites/default/files/SEP-Guidelines-final_0.pdf*). Additional information related to the Council's restoration goals, objectives and activities can be found on our Web site at *www.restorethegulf.gov.* No change was made to the rule in response to this comment.

Comment: Several commenters referred to the SEP Guidelines (available at *www.restorethegulf.gov/sites/default/files/SEP-Guidelines-final_0.pdf*) and suggested that they be included, or incorporated by reference, in the rule. One commenter also suggested specific policies that the Council follow in implementing the SEP Guidelines and approving SEPs and mentioned the Council's ''discretion'' in evaluating SEPs.

Response: The Council appreciates the comment and the thoughtful attention paid to the Council's Spill Impact Component processes. Under the RESTORE Act, each State will create an SEP setting forth the projects and programs on which the State will expend Spill Impact Component funds. However, the SEPs and their implementation are not the subject of this rule. The Council published the rule pursuant to the section of the RESTORE Act requiring a regulation to establish the Spill Impact Component allocation formula, *see* 33 U.S.C. 1321(t)(3)(A)(ii), and the Council limited the rule to that purpose.

The Council's SEP Guidelines were carefully drafted to ensure effective and efficient implementation of the relevant requirements in the RESTORE Act. These Guidelines, which do not establish any Council discretion in evaluating or approving SEPs (*see* the ''Environmental Compliance'' section below), remain in effect regardless of whether or not they are incorporated into a Council rule or regulation. The Council may in the future issue further regulations as circumstances warrant.

No change was made to the rule in response to this comment.

Formula Criteria in General

Comment: One commenter criticized the formula's 40%–40%–20% weighting of the three criteria (miles of oiled shoreline; inverse proportion of the *Deepwater Horizon* drilling rig distance from oiled shoreline; and average coastal county population) used to establish the Spill Impact Component funding allocation for each State. The commenter suggested using a 50%–40%–10% respective weighting, stating that the formula set forth in the draft rule gives too much weight to coastal county populations and not enough to miles of oiled shoreline.

Response: The Council appreciates this comment and the analysis behind it. However, the formula's criteria percentage weightings of 40%–40%–20% described above are specified by the RESTORE Act and cannot be changed by the Council. *See* 33 U.S.C. 1321(t)(3)(A)(ii). No change was made to the rule in response to this comment.

Oiled Shoreline Criterion

Comment: One commenter offered support for the Council's use of US Coast Guard (USCG) data in determining the miles of oiled shoreline in each Gulf State.

Response: The Council appreciates the commenter's support for the Council's implementation of this rule criterion.

Comment: One commenter criticized the Council's use of USCG Rapid Assessment Technique (RAT) data in determining the amount of oiled shoreline in Texas, while using USCG Shoreline Cleanup Assessment Technique (SCAT) data for determining miles of oiled shoreline in the other States. The commenter suggested that SCAT data is the only reliable method for determining the oiled shoreline resulting from the *Deepwater Horizon* oil spill because RAT data is ''preliminary in nature'' and not guided by a ''prescribed and systematic'' methodology as is SCAT data. Since there is no SCAT data for Texas, the commenter suggested that there can be no determination of miles of oiled shoreline in Texas for purposes of the rule, and stated that the Council should therefore use a zero percentage for Texas under the first two criteria of the formula. The commenter also stated that the RAT method is not mentioned in either the USCG's Incident Management Handbook or the National Oceanic and Atmospheric Administration's (NOAA) Shoreline Assessment Manual.

Response: The Council appreciates this comment and the analysis behind it. The Council has determined that it is prudent to consider the best available data in establishing the allocation in this rule. The location, magnitude, and persistence of exposure of nearshore habitats to *Deepwater Horizon* oil was documented through field surveys that included observations, measurements and collection and analysis of thousands of samples. Based on all data surveys, oil was observed on over 1300 miles of shoreline from Texas to Florida. Relying exclusively on SCAT data, thus excluding RAT data, would mean that Texas would appear to have had zero miles of oiled shoreline and (as the commenter concluded) result in a zero percentage for Texas under the first and second criteria of the rule formula. This is factually inaccurate. According to the available surveys and the USCG, Texas had at least 36.0 miles of shoreline ''that experienced oiling as a result of the *Deepwater Horizon* oil spill.'' 33 U.S.C. 1321(t)(3)(A)(ii)(I). To exclude this data because the RAT method was used instead of the SCAT method would not reflect this reality. While the RAT technique is not specifically named, the technique is described in the USCG Incident Management Handbook under the discussion of Field Observers, and in NOAA's Shoreline Assessment Manual in its discussion of rapid assessment teams (3rd Edition) or Field Observers (4th Edition). While RAT is not as prescribed or systematic as SCAT, it is nevertheless a commonly used assessment methodology. Additionally, the oil samples from the Texas shoreline were fingerprinted by the USCG and identified as originating from the Macondo well. Moreover, the use of RAT and SCAT data together is consistent with the use of both datasets by the United States in determining the injury to natural resources in its civil lawsuits against BP in connection with the *Deepwater Horizon* oil spill. The Council thus determined that since the Texas shoreline did in fact experience oiling from the spill, it was more reasonable to consider all available data, including RAT data, in establishing the allocation formula. No change was made to the rule in response to this comment.

Inverse Proportion Criterion

Comment: One commenter supported the Council's mathematical formula for determining the inverse proportion of the average distance of the *Deepwater Horizon* drilling rig from the nearest and farthest point of oiled shoreline in each State.

Response: The Council appreciates the commenter's support for the Council's implementation of this criterion of the rule.

Population Criterion

Comment: One commenter criticized the Council's calculation of the portion of the formula based on the third criterion, ''the average population . . . of coastal counties . . . within each Gulf Coast State,'' stating that the calculation in the rule gives too much weight to States with smaller total coastal populations. The commenter suggested calculating the total population of each State's coastal counties as a percentage of the total population of all of the Gulf States' coastal counties in calculating this part of the rule formula.

Response: The Council appreciates this comment. However, the RESTORE Act requires using, for this criterion, the calculation of the ''average population . . . of coastal counties . . . within each Gulf Coast State.'' *See* 33 U.S.C. 1321(t)(3)(A)(ii)(III). The Council interpreted this language to mean the average coastal county population within each State. This appears to be the plain meaning and intent of the term ''average'' in this provision. Using the total population of all coastal counties within each State, rather than the average population of each coastal county, would ignore the term ''average'' in the criterion and change the resulting allocation percentages in a way not permitted by the RESTORE Act.

Thus the Council first determined which counties in each State are coastal counties, then used the 2010 Decennial Census data to determine the population of each of those counties, and finally calculated the average coastal county population within each State, compared to the respective averages of the other States, to arrive at the final percentage allocation for this criterion. No change was made to the rule in response to this comment.

Coastal Counties Definition

Comment: Several commenters criticized the exclusion of Harris County in Texas from the definition of ''coastal counties'' in the rule formula. *See* 33 U.S.C. 1321(t)(3)(A)(ii)(III). One commenter mentioned that Hillsborough County in Florida, and Orleans Parish in Louisiana, appear to have geographic complexities similar to Harris County.

One commenter supported the Council's definition of coastal counties in the rule formula.

Response: The coastal counties for the State of Florida are determined by the RESTORE Act and the Treasury Regulations (*see* 31 CFR 34.2). The

RESTORE Act does not specify the coastal counties for the States of Alabama, Mississippi, Louisiana or Texas, and the Council referred to a generally accessible geographic map in order to determine those States' coastal counties. With respect to Texas there was additional discussion within the Council regarding the State's geographic complexity; for example, there are several interconnected waterways that are geographically distinct from the Gulf of Mexico. The Council did not consider any other State to be as geographically complex as Texas. For Hillsborough County in Florida, geographic complexity was not relevant since the Florida coastal counties are specified by the RESTORE Act and the Treasury Regulations. The Council did not consider Orleans Parish in Louisiana to be geographically complex since it directly touches the Gulf of Mexico through Lake Borgne, a body of water contiguous with the Gulf of Mexico. Since only the Texas coast was so geographically complex, the Council looked at additional sources when considering the definition of coastal counties in Texas.

The Council thus considered the list of coastal counties used by the State of Texas Railroad Commission (TRC) (*http://www.rrc.state.tx.us/*), the Texas state agency responsible for regulating exploration, production and transportation of oil and natural gas in Texas as well as related pollution prevention measures—matters that are topically related to the purposes of the RESTORE Act. The TRC list is consistent with the Texas counties identified in the rule by using the generally accessible geographic map.

The Council also consulted other Texas information sources. For example, the Council considered using the list used by the Texas Coastal Management Program (TX CMP) setting forth all or part of eighteen counties subject to the TX CMP. The Council found that the TX CMP does not contain a list of ''coastal counties,'' but rather tracks a ''coastal zone.'' The ''coastal zone'' area is defined by the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et. seq.) based on hydrologic and geographic standards (see 16 U.S.C. 1453(1)) that are not meaningful for purposes of the Council defining ''coastal counties'' pursuant to the RESTORE Act at 33 U.S.C. 1321(t)(3)(A)(ii)(III).

The Council also considered the definition of ''coastal political subdivisions'' used in the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) and rejected it because it also in part uses the CZMA definition of ''coastal zone'' to define ''coastal political subdivisions.''

After having thus considered the TRC list and other sources, the Council concludes that the list of Texas coastal counties provided in the rule is reasonable and appropriate in implementing the provisions of the Spill Impact Component of the RESTORE Act. No change was made to the rule in response to this comment.

The Council is using the TRC list only for purposes of establishing the population criterion of the rule formula pursuant to 33 U.S.C. 1321(t)(3)(A)(ii)(III); this use of the TRC list has no bearing on any other determination of coastal counties, areas, political subdivisions or jurisdictions, under Federal or state law or otherwise.

Comment: Several commenters noted that Harris County was affected by the oil spill and therefore should have been included in the definition.

Response: The Council appreciates that numerous Texas (and other Gulf States') counties were affected by the spill, including localities both on and more distant from the Gulf Coast. The Council interprets the RESTORE Act to require restricting the definition to a geographic determination of coastal counties; being affected by the spill is not a factor to be considered for this criterion of the rule formula, which is based solely on population. No change was made to the rule in response to this comment.

It should be noted that the rule formula establishes only the allocation of Spill Impact Component funds to each State and has no bearing on where in a State such funds may be expended; for example, the State of Texas could elect to fund projects and/or programs within Harris County. Spending decisions will be made by each State in accordance with the State Expenditure Plan(s) to be created by each State under the RESTORE Act and the Treasury Regulations (including the limitation of programs to those carried out in the ''Gulf Coast Region,'' *see* 31 CFR 34.2 *and* 31 CFR 34.203(c)).

Changes to Final Rule

The Council made one clarifying edit to the final rule. In the first sentence of 40 CFR 1800.400, the phrase ''coastal political subdivisions'' has been replaced by ''coastal counties'' in conformance with the Act pursuant to 33 U.S.C. 1321(t)(3)(A)(ii)(III).

Environmental Compliance

The Council did not receive any public comments addressing the application of the National Environmental Policy Act (NEPA) to the promulgation of the rule or the Council's approval or funding of an SEP. The Council adopts the analysis detailed in the proposed rule (80 FR 58417, 58419 (Sept. 29, 2015)) that NEPA review is not required to issue this rule and will not be required in connection with Council approval or funding of an SEP.

NEPA review will apply to specific activities undertaken pursuant to Council-approved SEPs that require significant Federal action before they can commence. For example, an SEP project requiring a Federal permit would generally require NEPA review by the issuing Federal agency, and obtaining such a permit might also require other Federal environmental compliance. No SEP implementation funds for an activity will be disbursed by the Council to a State until all requisite permits and licenses have been obtained.

After considering all public comments, the Council now issues the final rule. The rule will take effect on the date when and if the United States District Court for the Eastern District of Louisiana approves and enters the Consent Decree.

Procedural Requirements

Regulatory Planning and Review (Executive Orders 12866 and 13563)

As an independent Federal entity that is composed of, in part, six Federal agencies, including the Departments of Agriculture, the Army, Commerce, and the Interior, and the Department in which the Coast Guard is operating, and the Environmental Protection Agency, the requirements of Executive Orders 12866 and 13563 are inapplicable to this rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) generally requires agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule will not have a significant economic impact on a substantial number of small entities because the direct recipients of the funds allocated under this rule are the five States, and states are not small entities under the Regulatory Flexibility Act. Additionally, this rule does not place any economic burden on the ''coastal counties;'' rather those counties will receive funds from their respective

States' share of the allocated funds. Therefore, the Council has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule does not have a significant economic impact on a substantial number of small entities. Thus, a regulatory flexibility analysis was not required and has not been prepared.

Paperwork Reduction Act

This rule is promulgated solely to establish an allocation formula and State allocation percentages. As such, there are no associated paperwork requirements. Any paperwork necessary to submit a SEP under the Spill Impact component of the RESTORE Act required by statute and not by this rule. *See* 31 U.S.C. 1321(t)(3).

List of Subjects in 40 CFR Part 1800

Coastal zone, Fisheries, Grant programs, Grants administration, Intergovernmental relations, Marine resources, Natural resources, Oil pollution, Research, Science and technology, Trusts and trustees, Wildlife.

For the reasons set forth in the preamble, the Gulf Coast Ecosystem Restoration Council amends 40 CFR part 1800 as follows:

PART 1800—SPILL IMPACT COMPONENT

■ 1. The authority citation for part 1800 continues to read as follows:

Authority: 33 U.S.C. 1321(t).

■ 2. Amend section 1800.1 by adding in alphabetical order definitions for ''Deepwater Horizon oil spill,'' ''Inverse proportion,'' ''Spill Impact Formula,'' ''Treasury, '' and ''Trust Fund'' to read as follows:

1800.1 Definitions.

* * * * *

Deepwater Horizon oil spill means the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

* * * * *

Inverse proportion means a mathematical relation between two quantities such that one proportionally increases as the other decreases.

* * * * *

Spill Impact Formula means the formula established by the Council in accordance with section 311(t)(3)(A)(ii) of the Federal Water Pollution Control Act, as added by section 1603 thereof.

* * * * *

Treasury means the U.S. Department of the Treasury, the Secretary of the Treasury, or his/her designee.

Trust Fund means the Gulf Coast Restoration Trust Fund.

■ 3. Add subpart C to read as follows:

Subpart C—Spill Impact Formula

Sec.

§ 1800.100 Purpose.

This subpart establishes the formula applicable to the Spill Impact Component authorized under the RESTORE Act (Pub. L. 112–141, 126 Stat. 405, 588–607).

§ 1800.101 General formula.

The RESTORE Act provides that thirty percent (30%) of the funds made available from the Trust Fund for the Oil Spill Impact Component be disbursed to each of the Gulf Coast States of Alabama, Florida, Louisiana, Mississippi and Texas based on a formula established by the Council (Spill Impact Formula), through a regulation, that is based on a weighted average of the following criteria:

(a) Forty percent (40%) based on the proportionate number of miles of shoreline in each Gulf Coast State that experienced oiling on or before April 10, 2011, compared to the total number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill;

(b) Forty percent (40%) based on the inverse proportion of the average distance from the mobile offshore drilling unit Deepwater Horizon at the time of the explosion to the nearest and farthest point of the shoreline that experienced oiling of each Gulf Coast State; and

(c) Twenty percent (20%) based on the average population in the 2010 Decennial Census of coastal counties bordering the Gulf of Mexico within each Gulf Coast State.

§ 1800.200 Oiled shoreline.

Solely for the purpose of calculating the Spill Impact Formula, the following shall apply, rounded to one decimal place with respect to miles of shoreline:

§ 1800.201 Miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill.

According to Shoreline Cleanup and Assessment Technique and Rapid Assessment Technique data provided by the United States Coast Guard, the miles of shoreline that experienced oiling on or before April 10, 2011 for each Gulf Coast State are:

(a) Alabama—89.8 miles.
(b) Florida—174.6 miles.
(c) Louisiana—658.3 miles.
(d) Mississippi—158.6 miles.
(e) Texas—36.0 miles.

§ 1800.202 Proportionate number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill.

The proportionate number of miles for each Gulf Coast State is determined by dividing each Gulf Coast State's number of miles of oiled shoreline determined in § 1800.201 by the total number of affected miles. This calculation yields the following:

(a) Alabama—8.04%.
(b) Florida—15.63%.
(c) Louisiana—58.92%.
(d) Mississippi—14.19%.
(e) Texas—3.22%.

§ 1800.300 Inverse proportion of the average distance from Deepwater Horizon at the time of the explosion.

Solely for the purpose of calculating the Spill Impact Formula, the following shall apply, rounded to one decimal place with respect to distance:

§ 1800.301 Distances from the Deepwater Horizon at the time of the explosion.

(a) Alabama—The distance from the nearest point of the Alabama shoreline that experienced oiling from the Deepwater Horizon oil spill was 89.2 miles. The distance from the farthest point of the Alabama shoreline that experienced oiling from the Deepwater Horizon oil spill was 103.7 miles. The average of these two distances is 96.5 miles.

(b) Florida—The distance from the nearest point of the Florida shoreline that experienced oiling from the Deepwater Horizon oil spill was 102.3 miles. The distance from the farthest point of the Florida shoreline that experienced oiling from the Deepwater Horizon oil spill was 207.6 miles. The average of these two distances is 154.9 miles.

(c) Louisiana—The distance from the nearest point of the Louisiana shoreline

that experienced oiling from the Deepwater Horizon oil spill was 43.5 miles. The distance from the farthest point of the Louisiana shoreline that experienced oiling from the Deepwater Horizon oil spill was 213.7 miles. The average of these two distances is 128.6 miles.

(d) Mississippi—The distance from the nearest point of the Mississippi shoreline that experienced oiling from the Deepwater Horizon oil spill was 87.7 miles. The distance from the farthest point of the Mississippi shoreline that experienced oiling from the Deepwater Horizon oil spill was 107.9 miles. The average of these two distances is 97.8 miles.

(e) Texas—The distance from the nearest point of the Texas shoreline that experienced oiling from the Deepwater Horizon oil spill was 306.2 miles. The distance from the farthest point of the Texas shoreline that experienced oiling from the Deepwater Horizon oil spill was 356.5 miles. The average of these two distances is 331.3 miles.

§ 1800.302 Inverse proportions.

The inverse proportion for each Gulf Coast State is determined by summing the proportional average distances determined in § 1800.301 and taking the inverse. This calculation yields the following:

(a) Alabama—27.39%.
(b) Florida—17.06%.
(c) Louisiana—20.55%.
(d) Mississippi—27.02%.
(e) Texas—7.98%.

§ 1800.400 Coastal county populations.

Solely for the purpose of calculating the Spill Impact Formula, the coastal counties bordering the Gulf of Mexico within each Gulf Coast State are:

(a) The Alabama Coastal Counties, consisting of Baldwin and Mobile counties;

(b) The Florida Coastal Counties, consisting of Bay, Charlotte, Citrus, Collier, Dixie, Escambia, Franklin, Gulf, Hernando, Hillsborough, Jefferson, Lee, Levy, Manatee, Monroe, Okaloosa, Pasco, Pinellas, Santa Rosa, Sarasota, Taylor, Wakulla, and Walton counties;

(c) The Louisiana Coastal Parishes, consisting of Cameron, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Mary, St. Tammany, Terrebonne, and Vermilion parishes;

(d) The Mississippi Coastal Counties, consisting of Hancock, Harrison, and Jackson counties; and

(e) The Texas Coastal Counties, consisting of Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Jefferson, Kennedy, Kleberg, Matagorda, Nueces, and Willacy counties.

§ 1800.401 Decennial census data.

The average populations in the 2010 decennial census for each Gulf Coast State, rounded to the nearest whole number, are:

(a) For the Alabama Coastal Counties, 297,629 persons;

(b) For the Florida Coastal Counties, 252,459 persons;

(c) For the Louisiana Coastal Parishes, 133,633 persons;

(d) For the Mississippi Coastal Counties,123,567 persons; and

(e) For the Texas Coastal Counties, 147,845 persons.

§ 1800.402 Distribution based on average population.

The distribution of funds based on average populations for each Gulf Coast State is determined by dividing the average population determined in § 1800.401 by the sum of those average populations. This calculation yields the following results:

(a) Alabama—31.16%.
(b) Florida—26.43%.
(c) Louisiana—13.99%.
(d) Mississippi—12.94%.
(e) Texas—15.48%.

§ 1800.500 Allocation.

Using the data from §§ 1800.200 through 1800.402 of this subpart in the formula provided in § 1800.101 of this subpart yields the following allocation for each Gulf Coast State:

(a) Alabama—20.40%.
(b) Florida—18.36%.
(c) Louisiana—34.59%.
(d) Mississippi—19.07%.
(e) Texas—7.58%.

Justin R. Ehrenwerth,

Executive Director, Gulf Coast Ecosystem Restoration Council.

[FR Doc. 2015–31433 Filed 12–14–15; 8:45 am]

BILLING CODE 6560–58–P

GULF COAST ECOSYSTEM RESTORATION COUNCIL

40 CFR Part 1800

[Docket Number: 112152015–1111–11]

RIN 3600–AA00

RESTORE Act—Initial Funded Priorities List

AGENCY: Gulf Coast Ecosystem Restoration Council.

ACTION: Notice of availability.

SUMMARY: In accordance with the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf States Act (RESTORE Act or Act), the Gulf Coast Ecosystem Restoration Council (Council) announces the availability of the Initial Funded Priorities List (FPL). The FPL sets forth the initial activities that the Council will fund and prioritize for further consideration.

DATES: December 15, 2015.

ADDRESSES: The Council posted all comments on the draft version of the FPL on its Web site, *http://www.restorethegulf.gov/.* All comments received are part of the public record and subject to public disclosure.

FOR FURTHER INFORMATION CONTACT: Will Spoon at 504–239–9814.

SUPPLEMENTARY INFORMATION:

Background

In 2010, the *Deepwater Horizon* oil spill caused extensive damage to the Gulf Coast's natural resources, devastating the economies and communities that rely on it. In an effort to help the region rebuild in the wake of the spill, Congress passed and the President signed the RESTORE Act, Public Law 112–141, sections 1601–1608, 126 Stat. 588 (Jul. 6, 2012). The Act created the Gulf Coast Ecosystem Restoration Trust Fund (Trust Fund) and dedicates eighty percent (80%) of any civil and administrative penalties paid by parties responsible for the *Deepwater Horizon* oil spill under the Clean Water Act, after the date of enactment, to the Trust Fund. On January 3, 2013, the United States announced that Transocean Deepwater Inc. and related entities agreed to pay $1 billion in civil penalties for violating the Clean Water Act in relation to their conduct in the *Deepwater Horizon* oil spill. The settlement was approved by the court in February 2013, and pursuant to the Act approximately $816 million (including interest) has been paid into the Trust Fund.

In addition to creating the Trust Fund, the Act established the Council, which is chaired by the Secretary of Commerce and includes the Governors of Alabama, Florida, Louisiana, Mississippi, and Texas, and the Secretaries of the U.S. Departments of Agriculture, the Army, Homeland Security, and the Interior, and the Administrator of the U.S. Environmental Protection Agency.

Under the Act, the Council will administer a portion of the Trust Fund known as the Council-Selected Restoration Component in order to ''undertake projects and programs, using the best available science, that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf

Coast.'' In August 2013 the Council approved an Initial Comprehensive Plan (Initial Plan) (please see *http://www.restorethegulf.gov/sites/default/files/GCERCCompPlanFactSheet_0.pdf* and *http://www.restorethegulf.gov/sites/default/files/FinalInitialComprehensivePlan.pdf*) that outlines an overarching vision for Gulf restoration and includes the following five goals: (1) Restore and conserve habitat; (2) restore water quality; (3) replenish and protect living coastal and marine resources; (4) enhance community resilience; and (5) restore and revitalize the gulf economy.

As a supplement to the Initial Plan and pursuant to the requirement in the Restore Act to draft a ''prioritized list of specific projects and programs to be funded,'' the Council is now publishing the initial FPL that lists the activities which the Council will fund and prioritize for further consideration.

Summary: On August 13, 2015 the Council published the draft version of the FPL for a 45-day public notice and comment period, The comment period closed on September 28, 2015.

After reviewing and considering all of the public comments, on December 9, 2015 the Council approved the FPL.

The members of the Council collaborated in creating the FPL that responds to ecological needs regardless of jurisdictional boundaries. The FPL will provide near-term ''on-the-ground'' ecosystem benefits, while also building a planning and science foundation for future success. The FPL focuses on ten key watersheds across the Gulf in order to concentrate and leverage available funds in addressing critical ecological needs in high-priority locations. It focuses on habitat and water quality, and includes restoration and conservation activities that can be implemented in the near term. It also supports project-specific planning efforts necessary to advance large-scale restoration. The comprehensive planning and monitoring efforts included in the FPL will provide Gulf-wide benefits into the future.

The Council intends to play a key role in helping to ensure that the Gulf's natural resources are sustainable and available for future generations. Currently available Gulf restoration funds and those that may become available in the future represent a great responsibility. The ongoing involvement of the people who live, work and play in the Gulf region is critical to ensuring that these monies are used wisely and effectively. The Council thanks all those who have participated in the process thus far, and offers thanks in advance to those who will take the time to again offer thoughts on how we can collectively help restore the Gulf.

Document Availability: Copies of the FPL are available at the following office during regular business hours: Gulf Coast Ecosystem Restoration Council, Hale Boggs Federal Building, 500 Poydras Street, Suite 1117, New Orleans, LA 70130.

Electronic versions of the FPL can be viewed and downloaded at *www.restorethegulf.gov.*

Legal Authority: The statutory program authority for the FPL is found at 33 U.S.C. 1321(t)(2).

Dated: December 9, 2015.

Justin R. Ehrenwerth,

Executive Director, Gulf Coast Ecosystem Restoration Council.

[FR Doc. 2015–31463 Filed 12–14–15; 8:45 am]

BILLING CODE 3510–EA–P

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 830

[Docket No. NTSB–AS–2012–0001]

RIN 3147–AA11

Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Direct final rule.

SUMMARY: The NTSB is publishing an amendment to its regulations concerning notification and reporting requirements with regard to aircraft accidents or incidents, titled, ''Immediate notification.'' The regulation currently requires reports of Airborne Collision and Avoidance System (ACAS) advisories issued under certain specific circumstances. The NTSB now narrows the ACAS reporting requirement, consistent with the agency's authority to issue non-controversial amendments to rules, pursuant to the direct final rulemaking procedure. The NTSB also updates its contact information for notifications.

DATES: This direct final rule will be effective February 16, 2016, without further notice, unless the NTSB receives adverse comment by January 14, 2016. If the NTSB receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: A copy of this direct final rule, published in the **Federal Register**, is available for inspection and copying in the NTSB's public reading room, located at 490 L'Enfant Plaza SW., Washington, DC 20594–2000. Alternatively, a copy of the rule is available on the NTSB Web site, at *http://www.ntsb.gov,* and at the government-wide Web site on regulations, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Scott Dunham, National Resource Specialist—ATC, Office of Aviation Safety, (202) 314–6387.

SUPPLEMENTARY INFORMATION:

Regulatory History

On October 7, 2008, the NTSB published a Notice of Proposed Rulemaking (NPRM) titled ''Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records.'' 73 FR 58520. The NPRM proposed several additions to 49 CFR 830.5, to require reports of various types of serious aviation incidents. Among the proposed requirements, the NTSB sought mandatory reports of Airborne Collision Avoidance System (ACAS) resolution advisories issued either (i) when an aircraft is being operated on an instrument flight rules (IFR) flight plan and compliance with the advisory is necessary to avert a substantial risk of collision between two or more aircraft, or (ii) to an aircraft operating in class A airspace. 73 FR 58523–24.

On January 7, 2010, the NTSB published its amendment to the final rule by requiring operators of civil aircraft to report certain ACAS incidents, along with other types of serious incidents. 75 FR 922. The NTSB explained its intent in imposing this reporting requirement is to identify, evaluate, and investigate (when appropriate) serious incidents where aircraft maneuvers were required to avert a substantial risk of collision between aircraft equipped with traffic collision avoidance systems (TCAS) and other aircraft and to evaluate situations where resolution advisories occur between aircraft under positive control in class A airspace. The NTSB clarified it did not intend to require the reporting of all resolution advisories or, outside class A airspace, to require the reporting of any resolution advisory resulting from an encounter between aircraft where no substantial risk of collision exists. 75 FR 925–26.

The NTSB stated it believed the reporting requirement would achieve the NTSB's objective of receiving notification of aircraft encounters that

present a significant risk of collision. In the Final Rule, the NTSB adopted the proposed language, which now appears at 49 CFR 830.5(a)(10).[1]

Collection of Reports

By this direct final rule, the NTSB removes the requirement of notifications of ACAS reports from aircraft operators within Class A airspace. The NTSB has determined, through review of the types of events submitted, that it is possible to reduce the scope of the notification requirement while still achieving the safety objective of the rule, which is to increase our awareness of potentially hazardous occurrences in the air traffic control system.

When it issued the requirement of § 830.5(a)(10), the NTSB anticipated its collection of ACAS incident reports would educate the agency concerning whether the TCAS equipment functioned appropriately. In addition, the NTSB sought information concerning whether operators received improper resolution advisories, as well as a general understanding of the effectiveness of TCAS.

Collecting the data on the volume of TCAS alerts that fulfill the criteria listed in § 830.5(a)(10) has been educational and has assisted the NTSB Office of Aviation Safety with understanding the general effectiveness of TCAS as well as the types of encounters that are likely to cause TCAS resolution advisories.

Amending § 830.5(a)(10) to narrow the reporting requirement of TCAS resolution advisories also achieves the purpose of Executive Order 13579, ''Regulation and Independent Regulatory Agencies'' (76 FR 41587, July 14, 2011). The purpose of Executive Order 13579 is to ensure all agencies adhere to the key principles found in Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, January 21, 2011), which emphasizes agencies must promulgate regulations that are written plainly and clearly written, and do not present duplicative or unnecessary requirements. Removing the requirement of notifications from aircraft operators within Class A airspace that receive a TCAS resolution advisory achieves the purpose of Executive Order 13563, because the NTSB has concluded the notifications are not necessary.

[1] On December 8, 2011, the NTSB published an NPRM proposing to exempt certain ''monitor vertical speed'' advisories from § 830.5(a)(10)(ii). 76 FR 76686. The NTSB did not incorporate this exemption in an amendment to the rule.

Direct Final Rulemaking Procedure

The NTSB has determined it is appropriate to narrow the reporting requirement in § 830.5(a)(10) by publishing a Direct Final Rule. On September 23, 2015, the NTSB published a Final Rule codifying its authority to utilize the direct final rulemaking process to alter rules that are not controversial and to which the NTSB does not expect substantive comments. 80 FR 57307. As explained in its NPRM describing this process, agencies frequently use the direct final rulemaking process for minor changes to rules to which it does not expect adverse comments. 80 FR 34874 (June 18, 2015). The NTSB's rule on this procedure, codified at 49 CFR 800.44, states a direct final rule makes changes to a regulation which will take effect on a certain date unless the NTSB receives an adverse comment or a notice of intent to file an adverse comment. If the NTSB receives an adverse comment or notice of intent to file one, the agency will publish a document in the **Federal Register** withdrawing the rule change. The NTSB may then issue an NPRM proposing the change it sought to make by way of the direct final rulemaking process. *Id.* § 800.44(d). Section 800.44 also defines ''adverse comment'' for purposes of the direct final rulemaking procedure.

This change limits required notifications to events that evidence a significant risk of collision, thereby reducing the regulatory burden on aircraft operators while continuing to achieve the safety objective of the rule. Informal discussions with organizations such as Air Line Pilots Association, International, Airlines for America, Regional Airline Association, and National Air Carrier Association have shown these organizations support the amendment. Overall, we do not expect to receive any negative industry comments.

Legal Analyses and Effective Date

The NTSB notes it analyzed the potential application of the Regulatory Flexibility Act (5 U.S.C. 601–612) to this rule. The NTSB certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

In addition, this rule will not require collection of new information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Operators continue to have the option of notifying the NTSB of an ACAS advisory that fulfills the requirements of this rule via telephone or email. The NTSB is continuing to work with the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), to obtain an OMB control number under the Paperwork Reduction Act to collect reports of ACAS advisories, as well as other notifications, via a web-based form. See 80 FR 38751 (July 7, 2015).

Pursuant to 49 CFR 800.44(c), the NTSB will publish a confirmation rule in the **Federal Register** if it has not received an adverse comment or notice of intent to file an adverse comment within 30 days of the date of publication of this direct final rule.

List of Subjects in 49 CFR Part 830

Aircraft accidents, Aircraft incidents, Aviation safety, Overdue aircraft notification and reporting, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the NTSB amends 49 CFR part 830 as follows:

PART 830—[AMENDED]

■ 1. The authority citation for part 830 is revised read as follows:

Authority: 49 U.S.C. 1101–1155; Pub. L. 85–726, 72 Stat. 731 (codified as amended at 49 U.S.C. 40101).

■ 2. Section 830.5 is amended by revising the introductory text and paragraphs (a) introductory text and (a)(10) to read as follows:

§ 830.5 Immediate notification.

The operator of any civil aircraft, or any public aircraft not operated by the Armed Forces or an intelligence agency of the United States, or any foreign aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (NTSB) office,[1] when:

(a) An aircraft accident or any of the following listed serious incidents occur:

* * * * *

(10) Airborne Collision and Avoidance System (ACAS) resolution advisories issued when an aircraft is being operated on an instrument flight rules flight plan and compliance with the advisory is necessary to avert a

[1] NTSB headquarters is located at 490 L'Enfant Plaza SW., Washington, DC 20594. Contact information for the NTSB's regional offices is available at *http://www.ntsb.gov.* To report an accident or incident, you may call the NTSB Response Operations Center, at 844–373–9922 or 202–314–6290.

substantial risk of collision between two or more aircraft.

* * * * *

Christopher A. Hart,

Chairman.

[FR Doc. 2015–30758 Filed 12–14–15; 8:45 am]

BILLING CODE 7533–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 101206604–1758–02]

RIN 0648–XE326

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2015–2016 Accountability Measure and Closure for Commercial King Mackerel in the Florida West Coast Northern Subzone; Correction

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

ACTION: Temporary rule; correction.

SUMMARY: This document contains corrections to a temporary rule published in the **Federal Register** on November 27, 2015, with an effective date span of November 28, 2015, to July 1, 2016, regarding an accountability measure and closure for commercial king mackerel in the Florida west coast northern subzone in the Gulf of Mexico (Gulf) exclusive economic zone (EEZ) for the 2015–2016 fishing year. This document corrects the effective date span to conclude on October 1, 2016, and corrects a sentence, which stated the fishing year incorrectly.

DATES: The effective date for the final rule published November 27, 2015, at 80 FR 74001, is 12 p.m., local time, November 28, 2015, until 12:01 a.m., local time, on October 1, 2016.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *susan.gerhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: In the temporary rule that published in the **Federal Register** on November 27, 2015 (80 FR 74001), the effective date of the rule and the fishing year for the commercial sector of Gulf migratory group king mackerel in the Florida west coast northern subzone of the Gulf EEZ were stated incorrectly.

Correction

The correct effective date for the temporary rule is November 28, 2015, until 12:01 a.m., local time, on October 1, 2016.

In the **SUPPLEMENTARY INFORMATION** section on page 74002 of the temporary rule, column 1, the last sentence of the third paragraph is corrected to read as follows:

''Accordingly, the Florida west coast northern subzone is closed effective noon, local time, November 28, 2015, through September 30, 2016, the end of the current fishing year, to commercial fishing for Gulf migratory group king mackerel.''

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

Dated: December 9, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–31480 Filed 12–14–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 240
Tuesday, December 15, 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 ENERGY

10 CFR Part 430

[Docket Number EERE–2011–BT–STD–0043]

RIN 1904–AC51

Energy Conservation Standards and Test Procedure for Miscellaneous Refrigeration Products: Notice of Data Availability; Request for Information

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of data availability (NODA); request for information (RFI).

SUMMARY: The U.S. Department of Energy (DOE) is currently weighing whether and how to regulate the energy efficiency of certain refrigeration products such as wine chillers and beverage centers (collectively, ''coolers''). These ''miscellaneous refrigeration products'' (''MREFs'') include coolers that do not operate using a conventional compressor/condenser-based system, particularly those products that use a thermoelectric-based refrigeration system. In support of this effort, DOE has collected and analyzed a variety of data to better understand the composition of the MREF industry and its products. To ensure its understanding of this market and its products, DOE is requesting additional information from the public related to the manufacturers of thermoelectric-based MREFs.

DATES: DOE will accept comments, data, and information regarding the NODA no later than January 14, 2016. Details regarding the data referenced in this document are provided in docket EERE–2011–BT–STD–0043, available at *www.regulations.gov.*

ADDRESSES: Comments may be submitted to the addresses provided in section IV. of the **SUPPLEMENTARY INFORMATION**.

The docket, EERE–2011–BT–STD–0043, is available for review at *www.regulations.gov,* including **Federal Register** notices, comments, and other supporting documents or materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2011-BT-STD-0043.* The regulations.gov Web page contains instructions on how to access all documents in the docket, including public comments. For further information on how to review the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information may be sent to Mr. Joseph Hagerman, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: 202–586–4549. Email: *Joseph.Hagerman@ee.doe.gov.*

In the office of the General Counsel, contact Mr. Michael Kido, Esq., U.S. Department of Energy, Office of General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121, (202) 586–8145, *Michael.Kido@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Miscellaneous Refrigeration Products—Background

In November 2011, the Department of Energy (''DOE'') began a process to consider whether to include as covered products and establish energy conservation standards for certain types of refrigeration products that largely fall outside of DOE's regulations pertaining to refrigerators, refrigerator-freezers, and freezers.[1] See 76 FR 69147 (November 8, 2011) (Notice of Proposed Determination) and 10 CFR 430.32(a) (setting out energy conservation standards for each class of refrigerator, refrigerator-freezer, and freezer currently regulated by DOE). Chief among the products garnering DOE's attention were products such as wine chillers (''coolers'')—which typically provide storage temperatures exceeding those used in those products already addressed by DOE's regulations. Cooling the storage areas of these products can be accomplished using different methods. One method is to use a conventional compressor/condenser-based system that feeds cold air into the internal storage compartment of the product. Another method—thermoelectric-based cooling—relies on the use of a solid-state heat pump that creates a cooling effect when electric current passes through two conductors. Under this approach, a temperature difference is created between the junction of two different types of materials as voltage is applied to the free ends of each material. Both of these technologies were considered in DOE's approach to regulating miscellaneous refrigeration equipment.

Pursuant to the Energy Policy and Conservation Act of 1975, as amended (''EPCA''), DOE may add a new product to its scope of regulatory coverage when certain criteria are met. See 42 U.S.C. 6292(b) (laying out specific criteria to satisfy when classifying a consumer product not already statutorily-covered as a covered product). Similarly, DOE may set energy conservation standards for those newly covered products if additional criteria are met. See 42 U.S.C. 6295(l) (detailing additional requirements to meet prior to prescribing standards for newly covered products). As part of its continuing efforts to improve consumer product and industrial equipment energy efficiency, DOE is considering including miscellaneous refrigeration products (''MREFs''), such as coolers that do not use a compressor/condenser-based system, to its list of products for

[1] For a narrow sliver of products that combined a wine storage compartment with a fresh food or freezer compartment (''combination coolers''), DOE had previously issued guidance indicating that these products may fall within the electric refrigerator and electric refrigerator-freezer definitions. See Refrigerators and Freezers Guidance (February 10, 2011) (discussing the treatment of ''hybrid'' refrigeration products—*i.e.,* cominbation coolers).

regulatory coverage authority and to set energy conservation standards for them.

To help better inform its potential regulation of these items, DOE announced its intention to establish a negotiated rulemaking working group that would operate under the Appliance Standards and Rulemaking Federal Advisory Committee (''ASRAC'') with the purpose of exploring possible energy efficiency requirements for MREFs. See 80 FR 17355 (April 1, 2015). DOE solicited the public for participants to help serve on the MREF Working Group and identified various groups who would be significantly affected by a rulemaking that would address MREF energy efficiency. See *id.* at 17357. The Working Group ultimately reached consensus among its members on a variety of issues, including the potential scope of coverage, applicable definitions, test procedure details, and energy conservation standards that would apply to these products. This effort, which was conducted in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2) and the Negotiated Rulemaking Act (5 U.S.C. 561–570), produced a consensus agreement addressing the above issues.

II. Results and Analyses Summary

The consensus agreement reached by the various participating parties was based on research and testing data related to MREF products. The data from this effort were used to create a comprehensive technical analysis that the Working Group used to develop the recommendations in its consensus agreement. The agreement was prepared for submission to ASRAC, which would then weigh its merits for approval for further consideration by DOE.

Among the issues considered by the Working Group were the potential impacts related to manufacturers of thermoelectric-based MREF products. While DOE believes that the MREF Working Group, which included one manufacturer who currently sells thermoelectric-based products and other manufacturers who have sold thermoelectric coolers in the past, comprised a group of persons that are fairly representative of relevant points of view, including manufacturers of thermoelectric-based MREF products, DOE is seeking comment and any additional information regarding the nature of these manufacturers, and the marketing nuances and other issues specifically facing the manufacturers of thermoelectric-based MREF products.

III. Request for Information and Specific Issues for Which DOE Is Seeking Comment

DOE welcomes comments on all aspects of this notice of data availability and request for information. DOE is particularly interested in receiving comments from interested parties on the following data and questions related to the manufacturers of thermoelectric-based MREF products:

(1) The number, location, size, product offering, and business structure of the original equipment manufacturers (''OEMs'') producing thermoelectric coolers for sale in the U.S. market.

(2) The sales channels of the thermoelectric cooler OEMs serving the U.S. market. Which of these OEMs sell products directly to the U.S. market and which serve the U.S. market indirectly through private labelers?

(3) The U.S. market shares (in terms of total shipments) of both the thermoelectric cooler private labelers and OEMs.

(4) Using a database of models generated from publicly available information (including existing product databases and manufacturer and vendor Web sites), DOE identified over 30 brands of cooler models offered for sale in the U.S. that utilize thermoelectric refrigeration systems—all of which appear to be manufactured overseas. In DOE's view, the current market is competitive with no one dominant player and includes such private labelers as Vinotemp, Wine Enthusiast, Koolatron, and Haier. DOE seeks comment on whether this description of the thermoelectric cooler market is accruate and whether using the number of cooler models available on the U.S. market can be used as a proxy for market share for the cooler industry.DOE considered thermoelectric coolers when generating engineering analysis information included in the preliminary analysis (79 FR 71705 (Dec. 3, 2014)) and updated its analysis documents based on the Working Group discussions. (DOE's engineering analysis documents developed in support of the Working Group meetings are available at *http://www.regulations.gov* in Docket ID EERE–2011–BT–STD–0043.) These analyses indicated that thermoelectric cooler energy efficiency performance could be improved to a level that would be on-par (or exceed) the efficiency levels recommended by the Working Group by using a variety of options including, but not limited to, adding cabinet insulation, incorporating heat pipes, using solid rather than glass doors, or using glass or other translucent door material with higher insulating values. DOE requests comment on these engineering results and related estimates.

(5) DOE seeks comment as to whether there are any substantive issues with relying on information furnished by private labelers who purchase thermoelectric-based MREFs for purposes of DOE's manufacturer impacts analysis. If there are no issues with relying on this information (or its source), please so state.

(6) DOE also seeks any additional feedback relating to its analyses that it is making available as part of this NODA as it relates to thermoelectric manufacturers.

IV. Public Participation

Submission of Comments

DOE welcomes comments on all aspects of this NODA and on other relevant issues that participants believe would affect the eventual test procedures and energy conservation standards applicable to MREF products. Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2011–BT–STD–0043, by any of the following methods:

- *Email:* To *WineChillers-2011-STD-0043@ee.doe.gov.* Include EERE–2011–BT–STD–0043 in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Phone: (202) 586–2945. Please submit one signed paper original.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: (202) 586–2945. Please submit one signed paper original.

All submissions received must include the agency name and docket number or RIN for this rulemaking.

After the close of the comment period, DOE will begin reviewing the public comments and making any necessary adjustments to its standards analysis supporting its rulemaking proceeding concerning potential energy conservation standards for MREF products.

DOE considers public participation to be a very important part of the process for developing test procedures and

energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of the rulemaking process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the rulemaking process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this rulemaking should contact Mr. Joseph Hagerman at (202) 586–4549, or via e-mail at *joseph.hagerman@ee.doe.gov.*

Issued in Washington, DC, on December 4, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2015–31566 Filed 12–14–15; 8:45 am]

BILLING CODE 6450–01–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

[Docket No. CPSC–2015–0022]

Petition Requesting Rulemaking on Products Containing Organohalogen Flame Retardants; Notice of Opportunity for Oral Presentation of Comments

Correction

In proposed rule document 2015–30694 beginning on page 75955 in the issue of Monday, December 7, 2015, make the following correction:

On page 75956, in the first column, in the second paragraph, in the fifth and sixth lines ''is 866–623–8636 and participant code is 4816474'' should read ''will be provided to remote participants prior to the December 9, 2015 hearing.''.

[FR Doc. C1–2015–30694 Filed 12–14–15; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 97

[FRL–9940–10–OAR]

Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for 2015 Control Periods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability (NODA).

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of the availability of preliminary lists of units eligible for allocations of emission allowances under the Cross-State Air Pollution Rule (CSAPR). Under the CSAPR federal implementation plans (FIPs), portions of each covered state's annual emissions budgets for each of the four CSAPR emissions trading programs are reserved for allocation to electricity generating units that commenced commercial operation on or after January 1, 2010 (new units) and certain other units not otherwise obtaining allowance allocations under the FIPs. The quantities of allowances allocated to eligible units from each new unit set-aside (NUSA) under the FIPs are calculated in an annual one- or two-round allocation process. EPA previously completed the first round of NUSA allowance allocations for the 2015 control periods for all four CSAPR trading programs, as well as the second round of allocations for the CSAPR NO_X Ozone Season Trading Program, and is now making available preliminary lists of units eligible for allocations in the second round of the NUSA allocation process for the CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 Trading Programs. EPA has posted spreadsheets containing the preliminary lists on EPA's Web site. EPA will consider timely objections to the lists of eligible units contained in the spreadsheets and will promulgate a notice responding to any such objections no later than February 15, 2016, the deadline for recording the second-round allocations of CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 allowances in sources' compliance accounts. This notice of availability may concern CSAPR-affected units in the following states: Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

DATES: Objections to the information referenced in this notice of availability must be received on or before January 14, 2016.

ADDRESSES: Submit your objections via email to *CSAPR_NUSA@epa.gov.* Include ''2015 NUSA allocations'' in the email subject line and include your name, title, affiliation, address, phone number, and email address in the body of the email.

FOR FURTHER INFORMATION CONTACT: Questions concerning this action should be addressed to Robert Miller at (202) 343–9077 or *miller.robertl@epa.gov* or Kenon Smith at (202) 343–9164 or *smith.kenon@epa.gov.*

SUPPLEMENTARY INFORMATION: Under the CSAPR FIPs, the mechanisms by which initial allocations of emission allowances are determined differ for ''existing'' and ''new'' units. For ''existing'' units—that is, units commencing commercial operation before January 1, 2010—the specific amounts of CSAPR FIP allowance allocations for all control periods have been established through rulemaking. EPA has announced the availability of spreadsheets showing the CSAPR FIP allowance allocations to existing units in previous notices.[1]

''New'' units—that is, units commencing commercial operation on or after January 1, 2010—as well as certain older units that would not otherwise obtain FIP allowance allocations do not have pre-established allowance allocations. Instead, the CSAPR FIPs reserve a portion of each state's total annual emissions budget for each CSAPR emissions trading program as a new unit set-aside (NUSA)[2] and establish an annual process for allocating NUSA allowances to eligible units. States with Indian country within their borders have separate Indian country NUSAs. The annual process for allocating allowances from the NUSAs and Indian country NUSAs to eligible units is set forth in the CSAPR regulations at 40 CFR 97.411(b) and 97.412 (NO_X Annual Trading Program), 97.511(b) and 97.512 (NO_X Ozone Season Trading Program), 97.611(b) and 97.612 (SO_2 Group 1 Trading Program), and 97.711(b) and 97.712 (SO_2 Group 2 Trading Program). Each NUSA allowance allocation process involves up to two rounds of allocations to new units followed by the allocation to existing units of any allowances not allocated to new units. EPA provides public notice at certain points in the process.

[1] The latest spreadsheet of CSAPR FIP allowance allocations to existing units, updated in 2014 to reflect changes to CSAPR's implementation schedule but with allocation amounts unchanged since June 2012, is available at *http://www.epa.gov/crossstaterule/actions.html. See* Availability of Data on Allocations of Cross-State Air Pollution Rule Allowances to Existing Electricity Generating Units, 79 FR 71674 (December 3, 2014).

[2] The NUSA amounts range from two percent to eight percent of the respective state budgets. The variation in percentages reflects differences among states in the quantities of emission allowances projected to be required by known new units at the time the budgets were set or amended.

EPA has already completed the first round of allocations of 2015 NUSA allowances for all four CSAPR trading programs, as well as the second round of 2015 NUSA allocations to units subject to the CSAPR Ozone Season Trading Program, as announced in notices previously published in the **Federal Register**.[3] The first and second-round NUSA allocation process was discussed in those previous notices. This notice of availability concerns the second round of NUSA allowance allocations for the CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 Trading Programs for the 2015 control period.[4]

The units eligible to receive second-round NUSA allocations for the CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 Trading Programs are defined in §§ 97.411(b)(1)(iii) and 97.412(a)(9)(i), 97.611(b)(1)(iii) and 97.612(a)(9)(i), and 97.711(b)(1)(iii) and 97.712(a)(9)(i), respectively. Generally, eligible units include any CSAPR-affected unit that commenced commercial operation between January 1 of the year before the control period in question and November 30 of the year of the control period in question. In the case of the 2015 control period, an eligible unit therefore must have commenced commercial operation between January 1, 2014 and November 30, 2015 (inclusive).

The total quantity of allowances to be allocated through the 2015 NUSA allowance allocation process for each state and emissions trading program—in the two rounds of the allocation process combined—is generally the state's 2015 emissions budget less the sum of (1) the total of the 2015 CSAPR FIP allowance allocations to existing units and (2) the amount of the 2015 Indian country NUSA, if any.[5] The amounts of CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 NUSA allowances may be increased in certain circumstances as set forth in §§ 97.412(a)(2), 97.612(a)(2), and 97.712(a)(2), respectively.

Second-round NUSA allocations for a given state, trading program, and control period are made only if the NUSA contains allowances after completion of the first-round allocations.

The amounts of second-round allocations of CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 allowances to eligible new units from each NUSA are calculated according to the procedures set forth in §§ 97.412(a)(9), (10) and (12), 97.612(a)(9), (10), and (12), and 97.712(a)(9), (10), and (12), respectively. Generally, the procedures call for each eligible unit to receive a second-round 2015 NUSA allocation equal to the positive difference, if any, between its emissions during the 2015 annual control periods (*i.e.,* January 1, 2015 through December 31, 2015) as reported under 40 CFR part 75 and any first-round allocation the unit received, unless the total of such allocations to all eligible units would exceed the amount of allowances in the NUSA, in which case the allocations are reduced on a pro-rata basis.

Any allowances remaining in the CSAPR NO_X Annual, SO_2 Group 1, or SO_2 Group 2 NUSA for a given state and control period after the second round of NUSA allocations to new units will be allocated to the existing units in the state according to the procedures set forth in §§ 97.412(a)(10) and (12), 97.612(a)(10) and (12), and 97.712(a)(10) and (12), respectively.

EPA notes that an allocation or lack of allocation of allowances to a given EGU does not constitute a determination that CSAPR does or does not apply to the EGU. EPA also notes that allocations are subject to potential correction if a unit to which NUSA allowances have been allocated for a given control period is not actually an affected unit as of the start of that control period.[6]

The preliminary lists of units eligible for second-round 2015 NUSA allowance allocations for the three CSAPR annual trading programs are set forth in Excel spreadsheets titled ''CSAPR_NUSA_2015_NOx_Annual_2nd_Round_Prelim_Data,'' ''CSAPR_NUSA_2015_SO_2_Group_1_2nd_Round_Prelim_Data,'' and ''CSAPR_NUSA_2015_SO_2_Group_2_2nd_Round_Prelim_Data'' available on EPA's Web site at *http://www.epa.gov/crossstaterule/actions.html.* Each spreadsheet contains a separate worksheet for each state covered by that program showing each unit preliminarily identified as eligible for a second-round NUSA allocation.

Each state worksheet also contains a summary showing (1) the quantity of allowances initially available in that state's 2015 NUSA, (2) the sum of the 2015 NUSA allowance allocations that were made in the first-round to new units in that state (if any), and (3) the quantity of allowances in the 2015 NUSA available for distribution in second-round allocations to new units (or ultimately for allocation to existing units).

Objections should be strictly limited to whether EPA has correctly identified the new units eligible for second-round 2015 NUSA allocations of CSAPR NO_X Annual, SO_2 Group 1, and SO_2 Group 2 allowances according to the criteria described above and should be emailed to the address identified in **ADDRESSES**. Objections must include: (1) Precise identification of the specific data the commenter believes are inaccurate, (2) new proposed data upon which the commenter believes EPA should rely instead, and (3) the reasons why EPA should rely on the commenter's proposed data and not the data referenced in this notice of availability.

Authority: 40 CFR 97.411(b), 97.611(b), and 97.711(b).

Dated: December 7, 2015.

Reid P. Harvey,

Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 2015–31461 Filed 12–14–15; 8:45 am]

BILLING CODE 6560–50–P

[3] 80 FR 30988 (June 1, 2015); 80 FR 44882 (July 28, 2015); 80 FR 55061 (September 14, 2015); 80 FR 69883 (November 12, 2015).

[4] At this time, EPA is not aware of any unit eligible for a second-round allocation from any Indian country NUSA.

[5] The quantities of allowances to be allocated through the NUSA allowance allocation process may differ slightly from the NUSA amounts set forth in §§ 97.410(a), 97.510(a), 97.610(a), and 97.710(a) because of rounding in the spreadsheet of CSAPR FIP allowance allocations to existing units.

[6] *See* 40 CFR 97.411(c), 97.611(c), and 97.711(c).

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

47 CFR Chapter V

[Docket Number: 151209999–5999–01]

RIN 0660–AA30

Proposed Scope of NTIA's Authority Regarding FirstNet Fees

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Telecommunications and Information Administration (NTIA) publishes this notice of proposed rulemaking to request public comment as it develops rules related to its review and approval of fees imposed by the First Responder Network Authority (FirstNet) as authorized by the Middle Class Tax Relief and Job Creation Act of 2012 (the Act).

DATES: Submit comments on or before January 14, 2016.

ADDRESSES: The public is invited to submit written comments to this proposed rule. Written comments may be submitted electronically through *www.regulations.gov* or by mail (to Office of Public Safety Communications; National Telecommunications and

Information Administration; U.S. Department of Commerce; 1401 Constitution Avenue NW., Washington, DC 20230.). Comments received related to this proposed rule will be made a part of the public record and will be posted to *www.regulations.gov* without change. Comments should be machine readable and should not be copy-protected. Comments should include the name of the person or organization filing the comment as well as a page number on each page of the submission. All personally identifiable information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Patrick Sullivan; Office of Public Safety Communications; National Telecommunications and Information Administration; U.S. Department of Commerce; 1401 Constitution Avenue NW., Washington, DC 20230; *psullivan@ntia.doc.gov;* (202) 482–5948.

SUPPLEMENTARY INFORMATION:

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I. Introduction, Summary of Proposed Rules

The Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*)) (Act) established the First Responder Network Authority (FirstNet) as an independent authority within the National Telecommunications and Information Administration (NTIA).[1] Congress mandated FirstNet ensure the building, deployment, and operation of an interoperable nationwide public safety broadband network (Network).[2] In order to meet this critical directive and provide affordable, reliable, and sustainable broadband services for first responders across the United States, FirstNet must operate as a business enterprise. Today, public safety entities procure broadband services from numerous commercial service providers. When it enters the market, FirstNet will start with no market share and will have to compete for customers by distinguishing its product in terms of features, price, and reliability from products offered by commercial providers. To be successful, FirstNet will need to employ business strategies with flexibility and agility commonplace in the private sector.

This document proposes rules that will enable NTIA to execute its duty to review specific fees proposed by FirstNet in a manner compatible with FirstNet's need to operate as a business in a competitive marketplace. NTIA proposes to execute its statutory fee review duties to afford FirstNet as much flexibility as possible to establish its business and budgetary goals and to adjust those goals as necessary to respond to the day-to-day realities of the broader competitive marketplace in which FirstNet must operate. Ultimately, NTIA intends to implement a fee review process that allows FirstNet to respond to changing market conditions and the demands of its vital and dynamic customer base: First responders.

The Act requires FirstNet to be permanently self-funding and authorizes it to assess and collect certain types of fees to assure its sustainability. The Act requires that the total amount of FirstNet's annual fees must be sufficient to recoup FirstNet's total expenses, but such fees must not exceed the amount necessary to carry out its duties under the Act.[3] As part of FirstNet's self-funding obligations, the Act directs NTIA to review these fees on an annual basis; they may only be assessed if approved by NTIA.[4]

This notice of proposed rulemaking describes NTIA's overarching scope, boundaries, and guidelines for NTIA's fee review and approval process as required by law. Section II of this notice of proposed rulemaking details relevant statutory provisions and makes clear that, while NTIA has a distinct role through the fee review and approval process to ensure that FirstNet is self-funded, NTIA's role is a relatively limited part of broader statutory provisions designed to monitor FirstNet's financial condition and operational status.

Section III defines the scope of NTIA's proposed fee review and approval process. NTIA has determined that this process is for a particular and limited purpose: it must examine only whether the proposed fees of another federal entity—FirstNet—as set forth under Section 6208 of the Act, are, in aggregate and in combination with any FirstNet non-fee-based income, sufficient, but not in excess of, the projected funds that FirstNet needs to recoup the total expenses required to carry out its statutory obligations in a given year. NTIA acknowledges that, as authorized by the Act, FirstNet might receive income which is separate and distinct from the fee categories defined in Section 6208. NTIA recognizes that such income will impact NTIA's determination whether FirstNet's proposed fees, in aggregate and in combination with such non-fee-based income, will meet but not exceed the funds it needs on an annual basis. However, NTIA proposes that the Act affords NTIA no authority to review or approve as a ''fee'' any other form of income FirstNet may receive beyond those fees listed in Section 6208(a).

In Section IV, NTIA proposes a methodology for its fee review that must by law occur annually and prior to FirstNet's assessment of fees. Because NTIA's fee review process is for particular and limited purposes focusing on the financial sustainability of another federal entity within the Department of Commerce, NTIA will include in its review a review of FirstNet's projected expenses as set forth in its approved budgets as well as a review of FirstNet's prior-year actual expenses and revenues to facilitate FirstNet's compliance with Section 6208(b). To that end, NTIA proposes to utilize FirstNet's regular budget process and financial statements. NTIA also proposes to defer to FirstNet on any need for reserves, working capital, or similar fund categories. NTIA, however, will take such fund categories into consideration as part of its determination of whether the total proposed fees under Section 6208(b) meet, but do not exceed, FirstNet's total expenses.

[1] *See* 47 U.S.C. 1424(a).

[2] *See* 47 U.S.C. 1426(b)(1) (stating FirstNet shall ''. . . take all actions necessary to ensure the building, deployment, and operation of the nationwide public safety broadband network . . .'').

[3] *See* 47 U.S.C. 1428(b).

[4] *See* 47 U.S.C. 1428(c).

In Section V, NTIA discusses the fees that NTIA has specific jurisdiction to review; if, in its review of aggregate revenues and costs, it determines that FirstNet has not satisfied the legal standard, FirstNet must adjust its fees or otherwise make budgetary changes to ensure that the standard is met. Specifically, NTIA proposes to define the term ''fee,'' for purposes of its statutory obligations under Section 6208(c) of the Act, to mean FirstNet's direct collection of money that is generated from the three categories established in Section 6208(a) of the Act: (1) Network user fees; (2) lease fees pursuant to a covered leasing agreement (CLA); and (3) fees from entities seeking access to or use of any network equipment or infrastructure constructed or otherwise owned by FirstNet.[5] Under this proposed rule, NTIA can direct FirstNet to address only those proposed fees that fall into one of these three categories. Further, NTIA proposes that it will not evaluate the reasonableness, or similar subjective attributes, of the specific fees assessed by FirstNet or its prospective partner or partners as contemplated in the Act. Specific NTIA rules are proposed in new 47 CFR Chapter V; Subchapter A will be utilized for NTIA rules that relate to FirstNet, and Subchapter B will be reserved for rules promulgated by FirstNet itself.

We seek comment on these preliminary proposals. We also look forward to FirstNet's progress in its procurement process, which may provide additional information relevant to NTIA's duties under Section 6208(c). With such information from stakeholders and FirstNet, NTIA will be better informed to solidify the scope of its fee review and approval process as appropriate.

II. Background: Relevant Statutory Provisions

A. FirstNet-Assessed Fees Must Ensure Self-Funding and Be Approved by NTIA

The Act established FirstNet as an independent authority within NTIA.[6] The Act authorizes FirstNet to take all actions necessary to ensure the building, deployment, and operation of the Network.[7] To achieve this significant and unprecedented task, FirstNet must operate in many respects as a private sector business enterprise.[8]

FirstNet's authority to operate as a business can and should further its ability to meet the Act's mandate that it become a self-sustaining enterprise. Section 6208 of the Act makes clear that FirstNet must establish permanent self-funding and is authorized to collect fees for specified uses of the Network or its components in furtherance of that obligation.

The Act established specific parameters for FirstNet's fee assessments described in Section 6208(a) to drive sustainability and continual reinvestment of FirstNet revenues into the Network. Section 6208(b), entitled, ''Establishment of Fee Amounts; Permanent Self-Funding,'' requires that the total amount of the fees assessed under Section 6208(c) for each fiscal year shall be sufficient, but cannot exceed, the amount necessary to recoup the total expenses of FirstNet as it carries out its duties under the Act.[9] Moreover, FirstNet must reinvest amounts received from the assessment of fees under Section 6208 for constructing, maintaining, operating, or improving the Network.[10] Specific to FirstNet's authority to assess and collect these fees, Section 6208(c) requires that NTIA review such fees ''on an annual basis, and such fees may only be assessed if approved by . . . NTIA.'' [11]

Additionally, the Act makes clear that FirstNet should consider public-private partnerships, affording it additional authority to creatively support the provision of a self-funded broadband network for use by public safety entities.[12] Such partnerships might result in FirstNet's collection of income that does not fall within the fees specified in Section 6208(a).[13]

B. FirstNet's Finances are Subject to Broader, Independent Review

NTIA's approach in this proposed rule reflects the scope of its fees review authority in the context of other supervision of FirstNet's finances and operations, which taken together, ensure a high degree of oversight over FirstNet's finances under the Act. The Act sets forth multiple methods of oversight of FirstNet well beyond the limited review and approval of fees required of NTIA under Section 6208(c). For example, FirstNet is subject to an independent financial audit. Section 6209 of the Act requires that the Secretary of Commerce engage an independent auditor to conduct an annual audit of all of FirstNet's commercial corporate transactions which the auditor will submit to Congress, the President, and FirstNet.[14] In addition, the Act requires an annual, ''comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of [FirstNet],'' to be submitted to Congress along with ''recommendations or proposals for legislative or administrative action as [FirstNet] deems appropriate.'' [15] Furthermore, FirstNet must comply on a day-to-day basis with all other applicable federal financial laws and regulations. In light of these broader oversight provisions, NTIA's narrow scoping of its fee review authority is appropriate.

III. NTIA's Annual Fee Review Focuses on Whether FirstNet Fees and Other Income, in Aggregate, Are Sufficient, and Do Not Exceed the Amount Necessary, To Recoup FirstNet's Total Expenses

A. Standard of NTIA Fee Review and Approval

The Act does not provide a specific standard of review for NTIA's annual fee review and approval process under Section 6208(c).[16] However, examination of other provisions in Section 6208 and the Act at large inform NTIA's proposed approach to FirstNet

[5] *See* 47 U.S.C. 1428(a).

[6] *See* 47 U.S.C. 1424(a).

[7] *See* 47 U.S.C. 1426(b).

[8] To that end, the Act set forth several key provisions establishing FirstNet as a business enterprise. For example, the Act requires the creation of the FirstNet Board, which has the fiduciary and operational functions assigned to boards of corporations. *See* 47 U.S.C. 1424(b). Furthermore, Board members appointed by the Secretary of Commerce must include individuals with various types of business experience, including expertise in building, deploying, and operating commercial telecommunications networks, and in financing and funding telecommunications networks. *See id.* FirstNet may only act as authorized by the Board to execute any powers granted by the Act to FirstNet, spend funds, or take other actions deemed necessary, appropriate, or advisable to accomplish the purposes of the Act. *See* 47 U.S.C. 1426(a)(1); *see also* 47 U.S.C. 1426(a)(5). As a business enterprise, FirstNet may contract with individuals; private companies; organizations; institutions; and Federal, State, regional, and local agencies. *See* 47 U.S.C. 1426(a)(3). The Act allows FirstNet to engage in other business activities, including selecting agents, consultants, or experts and hiring a program manager to carry out key aspects of deploying the NPSBN. *See* 47 U.S.C. 1425(b).

[9] *See* 47 U.S.C. 1428(b).

[10] *See* 47 U.S.C. 1428(d).

[11] 47 U.S.C. 1428(c).

[12] *See, e.g.,* 47 U.S.C. 1428(a) (describing public-private arrangements to construct, manage, and operate the nationwide public safety broadband network between FirstNet and a secondary user); *see also* 47 U.S.C. 1426(b)(3) (requiring that FirstNet requests for proposals, to the maximum extent economically feasible, ''include partnerships with existing commercial mobile providers to utilize cost- effective opportunities to speed deployment in rural areas'').

[13] *See, e.g.,* § 1426(a)(3) (referencing ''grants and funds from . . . individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies''); § 1426(a)(4) (referencing ''gifts, donations, and bequests of property, both real and personal'').

[14] *See* 47 U.S.C. 1429.

[15] 47 U.S.C. 1430.

[16] *See* 47 U.S.C. 1428(c).

fee review. FirstNet has a duty under Section 6208(b) to ensure that, during a given fiscal year, the fees it assesses are sufficient, and shall not exceed the amount necessary, to recoup the ''total expenses'' associated with carrying out its duties as specified under the Act.[17]

Given this overarching directive in Section 6208(b), which immediately precedes the Act's assignation of fee review to NTIA in Section 6208(c), NTIA proposes that the Act's purpose for the fee review is solely to support FirstNet's obligation under Section 6208(b) to be self-funding. Thus, NTIA intends to base its decisions on FirstNet's proposed fees by only examining whether the fees are, in aggregate and combined with other non-fee-based income, sufficient, but not in excess, of the projected funds FirstNet needs to carry out its statutory obligations in a given fiscal year. In this way, NTIA's review and approval of FirstNet-proposed fees under Section 6208 will exclusively focus on FirstNet's projected income and expenses to further the self-funding requirements and limitations of Section 6208(b). We seek comment on this proposed approach.

B. NTIA's Fee Review and Approval Process Does Not Assess the Reasonableness of a Proposed Fee

The scope of review of a fee is established by the statute.[18] As a result, we propose that NTIA's fee review is scoped to self-sustainability and does not include review of the reasonableness of any fee assessed by FirstNet or its prospective partner or partners as contemplated in the Act.

The wording of the Act itself does not direct NTIA to perform a reasonableness review. Section 6208(b), entitled, ''Establishment Of Fee Amounts; Permanent Self-Funding,'' requires that the total amount of the fees assessed by FirstNet for each fiscal year must be sufficient, but cannot exceed, the amount necessary to recoup the total expenses of FirstNet as it carries out its duties under the Act.[19] NTIA's mandate to review and approve FirstNet fees directly follows this fee structure requirement in Section 6208(c).[20] The Act provides no other direction regarding fee review, but the structure of the statute clearly indicates congressional intent to ensure that the assessed fees drive a self-funded network.

A review of other provisions of Title 47 demonstrates that when Congress intends for rates to be subject to a review for ''reasonableness'' or other subjective standards, it states this intention explicitly. For example, Section 201 of the Communications Act directs the Federal Communications Commission (FCC) to determine whether the charges of telecommunications carriers are ''just and reasonable.'' [21] Similarly, Section 224 of the Communications Act directs the FCC to regulate the rates, terms, and conditions of pole attachments to ensure they are ''just and reasonable.'' [22] Here, with respect to FirstNet's assessment of fees under Section 6208, and NTIA's review and approval of such fees, the Act established no such ''just and reasonable'' standard.

Moreover, a reasonableness review of FirstNet fees is unnecessary as a matter of policy. The Act does not mandate or require any public safety entity to purchase services from FirstNet. FirstNet must compete for subscribers by offering a compelling value proposition to prospective public safety customers. Public safety users themselves will determine whether FirstNet's proposed user fees are reasonable in comparison to the fees they are offered by competing providers.

Thus, NTIA proposes that it will not assess whether individual or total fees in any given category described in Section 6208(a) are reasonable, proportionate, or otherwise subjectively appropriate in light of individual or total fees in that category, or any other category of fees listed in Section 6208(a). With the proposed scope of its fee review, NTIA meets the intent of the self-funding provisions, but does not import ''just and reasonable'' review parameters that Congress clearly could have, but did not, include in the statute. We seek comment on these preliminary proposals.

IV. Methodology of NTIA Fee Review and Approval Process

A. Focus of NTIA Fee Review Methodology

Based on the preliminary conclusions above, NTIA proposes to base its approval of fees upon a determination of whether the proposed fees, in aggregate, when combined with any projected non-fee-based income that FirstNet receives, meet but do not exceed FirstNet's anticipated total expenses associated with carrying out its duties as specified under the Act in a given year. As required by the Act, NTIA will conduct its fee review and approval process on an annual basis. Further, NTIA's proposed fee review and approval process will occur before a fee is assessed as required by the Act, and NTIA expects that FirstNet will propose such fees to NTIA in writing. Because FirstNet must compete in a broader marketplace for the opportunity to provide broadband service to public safety entities, it will need the flexibility over the course of a fiscal year to adjust specific fees it wishes to assess pursuant to Section 6208(a).

Thus, to empower FirstNet with the flexibility needed to compete in the marketplace, NTIA proposes that, as part of its annual fee review, it will also review FirstNet's actual fees and expenses from the previous four fiscal quarters. This process will afford FirstNet the opportunity to describe any significant discrepancies between projected and actual expenses and revenue of that previous fiscal year and detail how its projected fees and revenues for the upcoming fiscal year have addressed these discrepancies. In doing so, FirstNet will have an opportunity on an annual basis to ensure that its duty under Section 6208(b) is met. To determine FirstNet's anticipated expenses, among the specific costs areas that NTIA may consider are: (1) Salaries and Benefits; (2) Travel; (3) Services: Federal Sources; (4) Services: Non-Federal Sources; (5) Facilities Rental; (6) Supplies, Materials, and Printing; (7) Equipment; and (8) Other expenses or obligations incurred for future contract award, capital reserves, or other permitted expenses or obligations. NTIA anticipates deferring to FirstNet to determine the reasonableness of projected obligations in the aforementioned or other categories.

Throughout the fee review and approval process, NTIA anticipates utilizing the budget documents and financial statements produced in the normal course of FirstNet's business. NTIA might also utilize FirstNet's

[17] *See* 47 U.S.C. 1428(b).

[18] *See Principles of Federal Appropriations Law, Volume III, Third Edition,* GAO, pp 12–140–12–181. GAO 08–978 SP (Washington, DC, September 2008).

[19] *See* 47 U.S.C. 1428(b).

[20] *See* 47 U.S.C. 1428(c).

[21] *See* 47 U.S.C 201 (stating that, for common carrier services, ''[a]ll charges . . . for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful.'').

[22] *See* 47 U.S.C 224 (b)(1) (stating that ''the Commission shall regulate the rates, terms, and conditions for pole attachments to provide that such rates, terms, and conditions are just and reasonable, and shall adopt procedures necessary and appropriate to hear and resolve complaints concerning such rates, terms, and conditions.'')

annual budget reports as approved by the FirstNet Board and submitted as part of the President's Budget and FirstNet's mandated annual report to Congress.

Therefore, NTIA proposes that it will make, on an annual basis, one of three determinations with regard to proposed fees: (1) FirstNet's proposed fees, in aggregate, when combined with any projected non-fee-based income to be received by FirstNet, meet but do not exceed FirstNet's projected total expenses; (2) FirstNet's proposed fees, in aggregate, when combined with any projected non-fee-based income to be received by FirstNet, do not meet FirstNet's projected total expenses; or (3) FirstNet's proposed fees, in aggregate, when combined with any projected non-fee-based income to be received by FirstNet, exceed FirstNet's projected total expenses. Upon making any of these determinations, NTIA will communicate its determination in writing to FirstNet. Should NTIA make the second or third determination listed above, NTIA will not approve FirstNet's proposed fees, and FirstNet may not assess them. NTIA proposes that it will accept any revised proposed fees or FirstNet approved revised budgets when provided by FirstNet in writing and evaluate them consistent with the scope and methodology proposed above.

We seek comment on this proposed approach to NTIA's fee review and approval process. We also seek comment on alternative methodologies that will further our fee review and approval process consistent with the Act's directives.

B. NTIA's Fee Review and Approval Process Defers to FirstNet on Necessary Reserves

NTIA proposes that it should defer to FirstNet, in the context of its budgetary planning process, regarding the use and retention of reserves or working capital funds. By doing so, NTIA will not, in its fee review and approval process, assess whether or what level of funds FirstNet should maintain in reserves, capital accounts, or other funding categories. FirstNet's routine budget, auditing, and accounting processes will presumably determine the need for such capital reserve funds. NTIA plans to defer to FirstNet's determination of need for such funds through these processes. We seek comment on this proposed approach to NTIA's fee review and approval process.

Moreover, NTIA proposes that, in its fee review and approval process, it will take into consideration reserve funds at the levels designated in FirstNet's budget, to determine whether FirstNet's proposed fees meet but not exceed FirstNet's total expenses. In doing so, NTIA will deem such funds to be a part of FirstNet's projected total expenses under Section 6208(b) of the Act. We seek comment on this proposal.

V. FirstNet-Proposed Fees Subject to NTIA Review Under Section 6208 Must Be Addressed Upon NTIA Disapproval

A. Fees Subject to NTIA Review and FirstNet Reconsideration Upon NTIA Disapproval

The Act assigns a clear duty to NTIA under Section 6208: approve or disapprove the specific fees FirstNet aspires to assess under Section 6208. Under Section 6208(a) of the Act, FirstNet is authorized to assess and collect the following fees:

1. A Network User Fee: ''A user or subscription fee from each entity, including any public safety entity or secondary user, that seeks access to or use of the [Network].'' [23]

2. Fees Pursuant to a Covered Leasing Agreement: ''A fee from any entity that seeks to enter into a [CLA].'' [24]

3. Lease Fees Related to Network Equipment and Infrastructure: ''A fee from any entity that seeks access to or use of any equipment or infrastructure, including antennas or towers, constructed or otherwise owned by the First Responder Network Authority resulting from a public-private arrangement to construct, manage, and operate the [Network]'' [25]

As a threshold matter for purposes of this proposed rule and NTIA's duty under Section 6208 of the Act, the word ''fee,'' as used in Section 6208(c) of the Act, must be defined. By defining the fees NTIA is to review, NTIA identifies the specific fees FirstNet must address prior to NTIA approval in the event NTIA must disapprove FirstNet-approved fees under the standards set forth above.

To implement its fee review obligations under the Act, NTIA must determine the meaning of the term ''fee'' as used in Section 6208. In the case of the Act, the three sets of fees, which FirstNet may assess, and which NTIA must review if assessed, are clearly defined within Section 6208(a). Thus, NTIA proposes that a ''fee'' that will be subject to its review and approval under Section 6208(c) is FirstNet's collection of money that falls within the three categories in Section 6208(a): (1) Network user fees; (2) lease fees related to network capacity, pursuant to a covered leasing agreement; and (3) fees from entities seeking access to or use of any equipment or infrastructure constructed or otherwise owned by FirstNet.[26] Given the clear language in Section 6208(a) defining the fees that FirstNet may assess, and the corresponding language in Section 6208(c) directing NTIA to review fees ''assessed under [Section 6208],'' NTIA proposes that its fee review authority, and FirstNet's obligation to address fees upon NTIA disapproval of proposed fees, is scoped to the three above-referenced categories. We seek comment on this preliminary proposal.

B. Income Other Than Fees Is Not Subject to NTIA Fee Review

As noted above, NTIA recognizes that, under the Act, FirstNet may receive income that is separate and distinct from the fees defined in Section 6208(a). Such income must be factored into NTIA's determination of whether proposed fees, in aggregate, will meet but not exceed the funds needed by FirstNet on an annual basis. However, as the Act limits NTIA's review and approval authority to ''the fees assessed in [Section 6208],'' NTIA proposes that the Act gives it no authority to review or approve as a ''fee'' any other form of income FirstNet might receive. NTIA proposes that non-fee-based income, emanating from arrangements allowed by statute, is not a ''fee'' under Section 6208(a). Furthermore, NTIA proposes that it will consider any non-fee income only as part of its determination of whether such income, when combined in aggregate with the fees defined in Section 6208(a), will be sufficient to recoup FirstNet's total expenses, but not exceed the amount necessary, to carry out its statutory duties and responsibilities for the fiscal year involved. Moreover, NTIA proposes that it will not analyze the terms and conditions of any CLA, or any other agreement between FirstNet and another entity, beyond those specific terms and conditions which establish any fees that meet the three categories described in Section 6208(a). We seek comment on these preliminary proposals.

VI. Ex Parte Communications

Any non-public oral presentation to NTIA regarding the substance of this proposed rule will be considered an ex parte presentation, and the substance of

[23] 47 U.S.C. 1428(a)(1).

[24] 47 U.S.C. 1428(a)(2)(A); *See also* 47 U.S.C. 1428(a)(2)(B) (stating that the Act defines a CLA as ''a written agreement resulting from a public-private arrangement to construct, manage, and operate the nationwide public safety broadband network between the First Responder Network Authority and secondary user to permit—(i) access to network capacity on a secondary basis for non-public safety services; and (ii) the spectrum allocated to such entity to be used for commercial transmissions along the dark fiber of the long-haul network of such entity.'').

[25] 47 U.S.C. 1428(a)(3).

[26] *See* 47 U.S.C. 1428(a).

the meeting will be placed on the public record and become part of this docket. No later than two (2) business days after an oral presentation or meeting, an interested party must submit a memorandum to NTIA summarizing the substance of the communication. NTIA reserves the right to supplement the memorandum with additional information as necessary, or to request that the party making the filing do so, if NTIA believes that important information was omitted or characterized incorrectly. Any written presentation provided in support of the oral communication or meeting will also be placed on the public record and become part of this docket. Such ex parte communications must be submitted to this docket as provided in the **ADDRESSES** section above and clearly labeled as an ex parte presentation. Federal entities are not subject to these procedures.

Classification

This rule has been determined to be not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act

This proposed rulemaking, issued under the authority of the Act, will not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (RFA). If implemented, this rule would establish regulations, as required under the Act, for NTIA and FirstNet regarding the process by which NTIA reviews and approves or disapproves fees FirstNet proposes to assess. The RFA requires federal agencies to prepare an analysis of a rule's impact on small entities whenever the agency is required to publish a notice of proposed rulemaking. However, a federal agency may certify, pursuant to 5 U.S.C. 605(b), that the action will not have a significant economic impact on a substantial number of small entities. The proposed regulations are for the particular and limited purpose of NTIA examining only whether the proposed fees of another federal entity—FirstNet—are, in aggregate and in combination with any FirstNet non-fee-based income, sufficient, but not in excess of, the projected funds that FirstNet needs to recoup the total expenses required to carry out its statutory obligations in a given year. No external entities, including any small businesses, small organizations, or small governments, will experience any direct economic impacts from this proposed rule. The only potential effect on any external entities, large or small, would likely be positive, as NTIA's proposed rules will assist in ensuring that FirstNet, as required under the Act, will sustain a nationwide public safety broadband network that provides broadband communications to first responders. Because this action, if adopted, would directly affect only federal entities—NTIA and FirstNet—and not any small entities, the Department of Commerce has concluded that the action would not result in a significant economic impact on a substantial number of small entities. Thus, the Department of Commerce Chief Counsel for Regulations has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant impact on a substantial number of small entities. Therefore, an initial regulatory flexibility analysis is not required and has not been prepared.

Executive Order 13132

It has been determined that this document does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

List of Subjects in 47 CFR Part 500

FirstNet, FirstNet Fees, Safety, Telecommunications.

Dated: December 10, 2015.

Lawrence E. Strickling,

Assistant Secretary for Communications and Information.

For the reasons set out in the preamble, the National Telecommunications and Information Administration proposes to add 47 CFR Chapter V to read as follows:

CHAPTER V—THE FIRST RESPONDER NETWORK AUTHORITY (Parts 500–599)

SUBCHAPTER A—NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION REGULATIONS (Parts 500–549)

PART 500—REVIEW AND APPROVAL OF FEES PROPOSED BY THE FIRST RESPONDER NETWORK AUTHORITY (FIRSTNET)

Sec.

Authority: 47 U.S.C. 1401.

§ 500.1 Purpose and scope.

Sections 500.2 through 500.5 implement 47 U.S.C. 1428(c) as codified pursuant to the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*) (the ''Act''), which requires the National Telecommunications and Information Administration to annually review fees the First Responder Network Authority (FirstNet) proposes to assess.

§ 500.2 General definitions.

Fee means FirstNet's receipt of money from:

(1) A Network User Fee;

(2) Lease Fees Related To Network Capacity; or

(3) Lease Fees Related To Network Equipment And Infrastructure, as those terms are defined under 47 U.S.C. 1428(a).

FirstNet means the First Responder Network Authority.

Fiscal Year means the 12-month accounting period for the federal government, which begins on 1 October of a given year and ends on 30 September of the subsequent year.

Non-fee-based income received by FirstNet means FirstNet's receipt of money from any source, transaction, entity, or any other means allowed under 47 U.S.C. 1401 *et seq.,* other than those receipts described above in the definition of ''*fee.*''

NTIA means the National Telecommunications and Information Administration.

NTIA's fee review and approval process means the process by which NTIA executes its duties under 47 U.S.C. 1428(c).

§ 500.3 NTIA's duty to review FirstNet proposed fees.

As required under 47 U.S.C. 1428(c), NTIA shall exclusively review fees, which must be proposed by FirstNet in writing, through NTIA's review and approval process conducted on an annual basis.

§ 500.4 Scope of NTIA review of FirstNet proposed fees.

NTIA shall approve FirstNet proposed fees only if such fees, when combined with any non-fee-based income projected to be received by FirstNet, are sufficient, but do not exceed the amount necessary, to recoup FirstNet's total expenses in carrying out its duties and responsibilities under 47 U.S.C. 1401 *et seq.* for the fiscal year involved.

§ 500.5 Methodology of NTIA fee review and approval process.

(a) *Fee review approach.* To execute NTIA's fee review and approval process, NTIA shall utilize FirstNet's standard financial documentation, which may include but is not limited to:

(1) FirstNet's budget documents produced in the normal course of its business;

(2) FirstNet's financial statements produced in the normal course of its business;

(3) FirstNet's annual budget reports submitted as part of the President's Budget; and

(4) FirstNet's annual report to Congress.

(b) *Deference to FirstNet on necessary reserves.* In executing NTIA's fee review and approval process, NTIA shall defer to FirstNet with respect to its use and retention of reserve or working capital funds. NTIA shall consider any such designated funds to be a part of FirstNet's total expenses in carrying out its duties and responsibilities under 47 U.S.C. 1401 *et seq.* for the fiscal year involved.

(c) *Determination of fee review:* NTIA shall make one of the following determinations annually upon review of FirstNet's proposed fees:

(1) FirstNet's proposed fees, in aggregate, when combined with any projected non-fee-based income to be received by FirstNet, meet but do not exceed FirstNet's projected total expenses;

(2) FirstNet's proposed fees, in aggregate, when combined with any projected non-fee-based income to be received by FirstNet, do not meet FirstNet's projected total expenses; or

(3) FirstNet's proposed fees, in aggregate, when combined with any projected non-fee-based income to be received by FirstNet, exceed FirstNet's projected total expenses. Upon making any of these determinations, NTIA will communicate its determination in writing to FirstNet.

(d) *Outcome of determination of fee review:*

(1) Should NTIA make the determination listed in paragraph (c)(1) of this section, FirstNet may assess the proposed fees.

(2) Should NTIA make one of the determinations listed in paragraph (c)(2) or (3) of this section, NTIA will disapprove FirstNet's proposed fees, and FirstNet may not assess those proposed fees.

(e) *Revision of Proposed Fees:* Upon a disapproval of FirstNet's proposed fees as described in paragraph (d)(2) of this section, or upon FirstNet's determination that it must revise NTIA-approved fees to ensure compliance with 47 U.S.C. 1428(b), FirstNet shall prepare a revised written submission to NTIA, which shall evaluate any proposed fees therein consistent with the rules in §§ 500.1–500.5.

(f) *Communication of NTIA fee approval or disapproval.* Approval or disapproval of FirstNet-proposed fees shall be communicated in writing by the Assistant Secretary for Communications and Information and Administrator, National Telecommunications and Information Administration, U.S. Department of Commerce, to the Chair of the FirstNet Board.

Subchapter B—[Reserved]

[FR Doc. 2015–31516 Filed 12–14–15; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R5–ES–2015–0015; 4500030113]

RIN 1018–BA85

Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Big Sandy Crayfish and the Guyandotte River Crayfish

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period on our April 7, 2015, proposed rule to list the Big Sandy crayfish (*Cambarus callainus*) and the Guyandotte River crayfish (*C. veteranus*) as endangered species under the Endangered Species Act of 1973, as amended. We are taking this action to make the results of the 2015 summer surveys available for public review and comment. The surveys provide updated information on the two species' distribution and abundance. Comments previously submitted on the April 7, 2015, proposed rule need not be resubmitted, as they will be fully considered in preparation of the final listing determination.

DATES: We will consider comments received or postmarked on or before January 14, 2016. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: *Document availability:* You may obtain copies of the April 7, 2015, proposed rule and supporting material on the Internet at *http://www.regulations.gov* at Docket No. FWS–R5–ES–2015–0015. Documents may also be obtained by mail from the Northeast Regional Office (see **FOR FURTHER INFORMATION CONTACT**).

Written comments: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R5–ES–2015–0015, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate the document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand delivery to: Public Comments Processing, Attn: FWS–R5–ES–2015–0015, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section, below, for more information).

FOR FURTHER INFORMATION CONTACT: Martin Miller, Chief, Endangered Species, U.S. Fish and Wildlife Service, Northeast Regional Office, 300 Westgate Center Drive, Hadley, MA 01035; telephone 413–253–8615; or facsimile 413–253–8482. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

In our April 7, 2015, proposed rule (80 FR 18710), we proposed to list the Big Sandy crayfish and the Guyandotte River crayfish as endangered species primarily due to the threats of land-disturbing activities that increase erosion and sedimentation, which degrade the stream habitat required by both species, and the effects of small population size. During the 60-day public comment period on the proposed rule, we received requests to extend the comment period beyond the June 8, 2015, closing date. For rulemaking and financial efficiency, we declined to extend the comment period at that time because we were already planning to reopen the comment period in the fall of 2015 to make available the results of rangewide surveys that would be conducted for each species in the summer of 2015. The final reports for the 2015 summer surveys are now

available on the Internet at *http://www.regulations.gov* at Docket No. FWS–R5–ES–2015–0015 and at *http://www.fws.gov/northeast/crayfish/.* These survey results and any substantive public comments about the survey results will inform our final listing decision, which we anticipate publishing on or before April 7, 2016.

For more information on previous Federal actions concerning the Big Sandy crayfish and the Guyandotte River crayfish, or information regarding the species' biology, status, distribution, and habitat, refer to the proposed rule published in the **Federal Register** on April 7, 2015 (80 FR 18710), which is available online at *http://www.regulations.gov* at Docket No. FWS–R5–ES–2015–0015 or by mail from the Northeast Regional Office (see **FOR FURTHER INFORMATION CONTACT**).

Public Comments

We will accept written comments and information during this reopened comment period on our proposal to list the Big Sandy crayfish and Guyandotte River crayfish that published in the **Federal Register** on April 7, 2015 (80 FR 18710). We will consider information and recommendations from all interested parties. We intend that any final action resulting from the proposal be as accurate as possible and based on the best available scientific and commercial data.

If you submitted comments or information on the proposed rule (80 FR 18710) during the initial comment period from April 7, 2015, to June 8, 2015, please do not resubmit them. We have incorporated them into the public record as part of the previous comment period, and we will consider them in the preparation of our final determination.

If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the Web site. We will post all hardcopy comments on *http://www.regulations.gov* as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed listing, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R5–ES–2015–0015, or by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Northeast Regional Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this notice are staff members in the Endangered Species Program, Northeast Regional Office, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: November 30, 2015.

Stephen Guertin,

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

[FR Doc. 2015–31369 Filed 12–14–15; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register
Vol. 80, No. 240
Tuesday, December 15, 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

Food Safety and Inspection Service

[Docket No. FSIS–2015–0041]

Codex Alimentarius Commission: Meeting of the Codex Committee on Methods of Analysis and Sampling

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), Center for Food Safety and Applied Nutrition (CFSAN) are sponsoring a public meeting on January 19, 2016. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 37th Session of the Codex Committee on Methods of Analysis and Sampling (CCMAS) of the Codex Alimentarius Commission (Codex), taking place in Budapest, Hungary, February 21–25, 2016. The Deputy Under Secretary for Food Safety and the Food and Drug Administration recognize the importance of providing interested parties with the opportunity to obtain background information on the 37th Session of the CCMAS and to address items on the agenda.

DATES: The public meeting is scheduled for Tuesday, January 19, 2016, from 10:00–11:30 a.m.

ADDRESSES: The public meeting will take place at the United States Department of Agriculture (USDA), Jamie L. Whitten Building, Room 107–A, 1400 Independence Avenue SW., Washington, DC 20250. Documents related to the 37th Session of CCMAS will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/*.

Dr. Gregory O. Noonan, U.S. Delegate to the 37th Session of the CCMAS invites U.S. interested parties to submit their comments electronically to the following email address: *Gregory.Noonan@fda.hhs.gov*

Call-In-Number:

If you wish to participate in the public meeting for the 37th Session of CCMAS by conference call please use the call-in-number listed below:

Call-in-Number: 1–888–844–9904.

The participant code will be posted on the Web page below: *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings*.

Registration:

Attendees may register to attend the public meeting by emailing *Marie.Maratos@fsis.usda.gov* by January 14, 2016. Early registration is encouraged because it will expedite entry into the building. The meeting will take place in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through the security screening systems. Attendees who are not able to attend the meeting in person, but who wish to participate, may do so by phone.

FOR FURTHER INFORMATION CONTACT: About the 37th Session Of CCMAS: Gregory O. Noonan, Ph.D., Research Chemist, Center for Food Safety and Applied Nutrition (CFSAN), Food and Drug Administration, Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: (240) 402–2250, Fax: (301) 436–2634, Email: *Gregory.Noonan@fda.hhs.gov*

About The Public Meeting: Marie Maratos, U.S. Codex Office, 1400 Independence Avenue, Room 4861, South Agriculture Building, Washington, DC 20250. Phone: (202) 205–7760, Fax: (202) 720–3157, Email: *Marie.Maratos@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in trade.

The CCMAS is responsible for defining the criteria appropriate to Codex Methods of Analysis and Sampling; serving as a coordinating body for Codex with other international groups working in methods of analysis and sampling and quality assurance systems for laboratories; specifying, on the basis of final recommendations submitted to it by other bodies reference methods of analysis and sampling; considering, amending, and endorsing, appropriate to codex standards which are geniunly applicable to a number of foods; methods of analysis and sampling proposed by Codex (Commodity) Committees, (except that methods of analysis and sampling for residues of pesticides or veterinary drugs in food, the assessment of microbiological quality and safety in food, and the assessment of specifications for food additives, do not fall within the terms of reference of this Committee); elaborating sampling plans and procedures; considering specific sampling and analysis problems submitted to it by the Commission or any of its Committees; and defining procedures, protocols, guidelines, or related texts for the assessment of food laboratory proficiency, as well as quality assurance systems for laboratories.

The Committee is hosted by Hungary.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 37th Session of CCMAS will be discussed during the public meeting:

- Criteria for endorsement of biological methods to detect chemicals of concern
- Practical Examples (Information Document)
- Procedures for determining uncertainty of measurement results
- Development of procedures or guidelines for determining equivalency to Type I methods
- Criteria approach to determining the acceptability of methods which use a ''sum of components'' Review and update of methods in Codex Standard 234–1999 (Recommended Methods of Analysis and Sampling)
- Follow-up on methods of analysis and sampling plans

- Sampling in Codex standards
- Other Business and Future Work

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat prior to the Committee Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the January 19, 2016 public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 37th Session of CCMAS, Gregory Noonan (see **ADDRESSES**). Written comments should state that they relate to activities of the 37th Session of CCMAS.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register* .

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe* . Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

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To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC on December 9, 2015.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2015–31458 Filed 12–14–15; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2015–0040]

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Import and Export Inspection and Certification Systems

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS), is sponsoring a public meeting on January 14, 2016. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 22nd Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) of the Codex Alimentarius Commission (Codex), taking place in Melbourne, Australia, February 6–12, 2016. The Under Secretary for Food Safety recognizes the importance of providing interested parties the opportunity to obtain background information on the 22nd Session of the CCFICS and to address items on the agenda.

DATES: The public meeting is scheduled for Thursday, January 14, 2016 from 2–4 p.m.

ADDRESSES: The public meeting will take place at the Jamie L. Whitten Building, United States Department of Agriculture (USDA), 1400 Independence Avenue SW., Room 107–A, Washington, DC 20250. Documents related to the 22nd Session of the CCFICS will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en.*

Mary Stanley, U.S. Delegate to the 22nd Session of the CCFICS invites U.S. interested parties to submit their comments electronically to the following email address *Mary.Stanley@fsis.usda.gov.*

Call-In-Number:

If you wish to participate in the public meeting for the 22nd Session of the CCFICS by conference call, please use the call-in-number and participant code listed below.

Call-In-Number: 1–888–844–9904.

The participant code will be posted on the Web page below: *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings.*

Registration:

Attendees may register to attend the public meeting by emailing *Kenneth.Lowery@fsis.usda.gov* by January 8, 2016. Early registration is encouraged because it will expedite entry into the building. The meeting will take place in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through the security screening systems. Attendees who are not able to attend the meeting in person, but who wish to participate, may do so by phone.

FOR FURTHER INFORMATION CONTACT:

For Further Information About the 22nd Session Of CCFICS Contact: Mary Stanley, Director, Office of International Coordination, Food Safety and Inspection Service, U.S. Department of Agriculture, Room 2925, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250

Phone: (202) 720–0287, Fax: (202) 720–4929, Email: *Mary.Stanley@fsis.usda.gov.*

For Further Information About the Public Meeting Contact: Kenneth Lowery, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, South Agriculture Building,

Washington, DC 20250 Phone: (202) 690–4042, Fax: (202) 720–3157, Email: *Kenneth.Lowery@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The CCFICS is responsible for:

(a) Developing principles and guidelines for food import and export inspection and certification systems with a view to harmonizing methods and procedures that protect the health of consumers, ensure fair trading practices, and facilitate international trade in foodstuffs;

(b) Developing principles and guidelines for the application of measures by the competent authorities of exporting and importing countries to provide assurance where necessary that foodstuffs comply with requirements, especially statutory health requirements;

(c) Developing guidelines for the utilization, as and when appropriate, of quality assurance systems to ensure that foodstuffs conform with requirements and to promote the recognition of these systems in facilitating trade in food products under bilateral/multilateral arrangements by countries;

(d) Developing guidelines and criteria with respect to format, declarations and language of such official certificates as countries may require with a view towards international harmonization;

(e) Making recommendations for information exchange in relation to food import/export control;

(f) Consulting as necessary with other international groups working on matters related to food inspection and certification systems; and

(g) Considering other matters assigned to it by the Commission in relation to food inspection and certification systems.

The Committee is hosted by Australia.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 22nd Session of CCFICS will be discussed during the public meeting:

- Activities of International Organizations relevant to the work of CCFICS
- Activities of FAO and WHO
- Activities of other International Organizations:

(a) World Organisation for Animal Health (OIE) contribution to the 22nd Session of CCFICS

(b) Contribution by the World Customs Organization to the 22nd Session of CCFICS

- Draft principles and guidelines for the exchange of information (including questionnaires) between countries to support food import and export
- Draft Guidance for monitoring the performance of national food control systems
- Revision of the Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations
- Revision of the Guidelines for the Exchange of Information between Countries on Rejections of Imported Food
- Discussion paper on system comparability or equivalence
- Discussion paper on the use of electronic certificates by competent authorities and migration to paperless certification
- Discussion paper on consideration of emerging issues and future directions for the work of the Codex Committee on Food Import and Export Inspection and Certification
- Discussion paper on system comparability or equivalence
- Other business and future work

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat prior to the Committee Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the January 14, 2016 public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Mary Stanley, U.S. Delegate for the 22nd Session of the CCFICS (see **ADDRESSES**). Written comments should state that they relate to activities of the 22nd Session of CCFICS.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

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How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC on December 9, 2015.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2015–31459 Filed 12–14–15; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: U.S. Census Bureau.

Title: Report of Building or Zoning Permits Issued for New Privately-Owned Housing Units (Building Permits Survey).

OMB Control Number: 0607–0094.

Form Number(s): C–404.

Type of Request: Extension of a currently approved collection.

Number of Respondents: 19,875.

Average Hours per Response: 9.34 minutes.

Burden Hours: 16,918.

Needs and Uses: The Census Bureau requests a three-year extension of a currently approved collection of the Form C–404, otherwise known as the Building Permits Survey (BPS). This survey collects data on new residential buildings from state and local permit-issuing offices. The key estimates from the survey are the numbers of new housing units authorized by building permits; data are also collected on the valuation of the housing units.

The Census Bureau produces statistics used to monitor activity in the large and dynamic construction industry. Given the importance of this industry, several of the statistical series have been designated by the Office of Management and Budget as Principal Economic Indicators. Two such indicators are directly dependent on the key estimates from the BPS: (1) New Residential Construction (which includes Housing Units Authorized by Building Permits, Housing Starts, and Housing Completions), and (2) New Residential Sales. These statistics help state, local, and federal governments, as well as private industry, analyze this important sector of the economy. The building permit series are available monthly based on a sample of building permit offices, and annually based on the entire universe of permit offices. Published data from the survey can be found on the Census Bureau's Web site at *www.census.gov/permits.*

The Census Bureau collects these data primarily by mail using the Form C–404 or online using an online version of the same questionnaire. Some data are also collected via receipt of electronic files. Form C–404 collects information on changes to the geographic coverage of the permit-issuing place, the number, and valuation of new residential housing units authorized by building permits, and additional information on residential permits valued at $1 million or more. The form is titled ''Report of Building or Zoning Permits Issued for New Privately-Owned Housing Units.''

The Census Bureau uses the Form C–404 to collect data that provide estimates of the number and valuation of new residential housing units authorized by building permits. About one-half of the permit offices are requested to report monthly. The remaining offices are surveyed once per year. We use the data, a component of the Conference Board's Index of Leading Economic Indicators, to estimate the number of housing units authorized, started, completed, and sold (single-family only). In addition, the Census Bureau uses the detailed geographic data in the development of annual population estimates that are used by government agencies to allocate funding and other resources to local areas, inform policy, and aid in city planning. Policymakers, planners, businesses, and others use the detailed geographic data to monitor growth and plan for local services, and to develop production and marketing plans. The BPS is the only source of statistics on residential construction for states, counties, and smaller geographic areas. Because building permits are public records, we can release data for individual jurisdictions, and annual data are published for every permit-issuing jurisdiction.

Affected Public: State, local, or Tribal governments.

Frequency: Monthly and annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 131 and 182.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2015–31415 Filed 12–14–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–958]

Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Determination of Sales at Less Than Fair Value and Notice of Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On November 23, 2015, the United States Court of International Trade (''CIT'') issued its final judgment [1] sustaining the Department of Commerce's (the ''Department'') final results of redetermination [2] issued pursuant to the CIT's remand order in *Gold East Paper (Jiangsu) Co.* v. *United States,* Court No. 10–00371, Slip Op. 15–37 (CIT 2015) (''*Gold East III*''), with respect to the Department's amended final determination [3] of the antidumping duty investigation of certain coated paper suitable for high-quality print graphics using sheet-fed presses (''coated paper'') from the People's Republic of China. Consistent with the decision of the United States Court of Appeals for the Federal Circuit (''CAFC'') in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (''*Diamond Sawblades*''), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *Final Determination* and is amending the *Final Determination* with respect to the dumping margin determined for Gold East Paper (Jiangsu) Co., Ltd., Gold Huasheng Paper Co., Ltd., Gold East

[1] *See Gold East Paper (Jiangsu) Co.* v. *United States,* Court No. 10–00371, Slip Op. 15–131 (CIT November 23, 2015) (''*Gold East IV*'').

[2] *See* Final Results of Redetermination Pursuant to Court Remand, *Gold East Paper (Jiangsu) Co.* v. *United States,* Court No. 10–00371, Slip Op. 15–37 (CIT 2015), dated July 10, 2015 (''Remand Redetermination III'').

[3] *See Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 75 FR 59217 (September 27, 2010), as amended by *Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Order,* 75 FR 70203 (November 17, 2010), (collectively, ''*Final Determination*'').

(Hong Kong) Trading Co., Ltd., Ningbo Zhonghua Paper Co., Ltd., Ningbo Asia Pulp and Paper Co., Ltd. (collectively, ''APP-China''), exporters and producers of subject merchandise.

DATES: *Effective Date:* December 3, 2015.

FOR FURTHER INFORMATION CONTACT: Eve Wang, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6231.

SUPPLEMENTARY INFORMATION:

Subsequent to the publication of the *Final Determination,* APP-China filed a complaint with the CIT challenging aspects of the methodology used to determine its dumping margin in the *Final Determination*.

On June 17, 2013, the CIT issued *Gold East I,* instructing the Department to re-visit its decision on multiple issues in the underlying investigation.[4] On January 13, 2014, the Department issued its Remand Redetermination I.[5] Consistent with the CIT's instructions in *Gold East I,* the Department (1) recalculated the value of certain inputs using only market economy purchase (''MEP'') prices, (2) used prices from Korea and Thailand for purposes of valuing certain other inputs; (3) corrected certain programming errors in the targeted dumping calculation; (4) continued to classify certain of APP-China's sales as export price (''EP''), and (5) applied the average-to-average methodology to all of APP-China's sales.[6]

On July 2, 2014, the CIT sustained in part, and remanded in part the Department's first remand redetermination.[7] On November 26, 2014, the Department issued its Remand Redetermination II.[8] Pursuant to the CIT's instructions in *Gold East II,* the Department used APP-China's prices for inputs from Thailand and did not use APP-China's prices for inputs from South Korea to calculate its dumping margin.[9] Additionally, the Department continued to apply the average-to-average methodology without zeroing to all of APP-China's sales.[10]

On April 22, 2015, the CIT issued its decision in *Gold East III,* in which it remanded the Department's conclusion that no information generally available to it at the time of the *Final Determination* supports a finding that the MEP prices for certain inputs from Thailand during the period of investigation may have been distorted because of countervailable export subsidies.[11] Additionally, the CIT instructed the Department to explain its decision not to rely on the differential pricing (''DP'') analysis in complying with the CIT's order to apply the previously withdrawn targeted dumping regulation.[12] On July 10, 2015, the Department reversed its decision of relying on APP-China's prices for inputs from Thailand and, consistent with the CIT order, applied the average-to-transaction methodology in its targeted dumping analysis to APP-China's sales which were found to be targeted.[13]

On November 23, 2015, the CIT issued its decision in *Gold East IV,* in which it sustained the Department's Remand Redetermination III, finding that the Department's determination that the presumption of the continued existence of a broadly-available, non-industry-specific program that may have distorted APP-China's Thai suppliers' prices was reasonable and supported by the record as a whole, and that the targeted dumping methodology the Department employed was reasonable.[14]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's November 23, 2015, judgment in this case constitutes a final court decision that is not in harmony with the Department's *Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Results

Because there is now a final court decision with respect to this case, the Department is amending the *Final Determination* with respect to APP-China's weighted-average dumping margin, effective December 3, 2015. The revised dumping margin is as follows:

Exporter	Producer	Final percent margin
Gold East Paper (Jiangsu) Co., Ltd.; Gold Huasheng Paper Co., Ltd.; Ningbo Zhonghua Paper Co., Ltd.; Ningbo Asia Pulp and Paper Co., Ltd.; Gold East (Hong Kong) Trading Co., Ltd.	Gold East Paper (Jiangsu) Co., Ltd.; Gold Huasheng Paper Co., Ltd.; Ningbo Zhonghua Paper Co., Ltd.; Ningbo Asia Pulp and Paper Co., Ltd.	3.64

Accordingly, the Department will continue the suspension of liquidation pending the expiration of the period of appeal or if appealed, pending a final and conclusive court decision.

Cash Deposit Requirements

Since the *Final Determination,* the Department has not established a new cash deposit rate for the above-listed APP-China companies. As a result, in accordance with section 735(c)(1)(B) of the Act, the Department will instruct CBP to collect a cash deposit of 3.64 percent for entries of subject merchandise exported and produced by APP-China, effective December 3, 2015.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e), 735(d), and 777(i)(1) of the Act.

[4] *See Gold East Paper (Jiangsu) Co.* v. *United States,* 918 F. Supp. 2d 1317 (CIT 2013) (''*Gold East I*'').

[5] *See* Final Results of Redetermination Pursuant to Court Remand, *Gold East Paper (Jiangsu) Co.* v. *United States,* Court Order No. 10–00371, Slip Op. 13–74 (CIT 2013), dated January 13, 2014 (''Remand Redetermination I'')

[6] *See* Remand Redetermination I at 2.

[7] *See Gold East Paper (Jiangsu) Co.* v. *United States,* 991 F. Supp. 2d 1357 (CIT 2014) (''*Gold East II*'').

[8] *See* Final Results of Redetermination Pursuant to Court Remand, *Gold East Paper (Jiangsu) Co.* v. *United States,* Court Order No. 10–00371, Slip Op. 14–79 (CIT 2014), dated November 26, 2014 (''Remand Redetermination II'').

[9] *Id.*

[10] *Id.*

[11] *See Gold East III.*

[12] *Id.*

[13] *See* Remand Redetermination III.

[14] *See Gold East IV.*

Dated: December 9, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–31559 Filed 12–14–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–841]

Polyethylene Terephthalate Film, Sheet and Strip From Brazil: Final Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On August 12, 2015, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on polyethylene terephthalate film, sheet and strip (PET film) from Brazil for the period November 1, 2013 through November 9, 2013.[1] For the final results, we continue to find that respondent Terphane Ltda and Terphane, Inc. (collectively, Terphane) made no shipments of subject merchandise during the period of review (POR). We made no changes to the *Preliminary Results*.

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

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1121 and (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 12, 2015, the Department published the *Preliminary Results* in the **Federal Register**.[2] In the *Preliminary Results,* the Department preliminarily determined that Terphane made no shipments during the POR. We invited parties to comment on the *Preliminary Results.* We received no comments.

Scope of the Order

The products covered by the order are all gauges of raw, pre-treated, or primed PET film, whether extruded or co-extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Determination of No Shipments

As noted in the *Preliminary Results,* we received a no-shipment claim from Terphane, and we confirmed this claim with U.S. Customs and Border Protection (CBP). Because no party commented on our preliminary results, we continue to find that the record indicates that Terphane did not export subject merchandise to the United States during the POR and that it had no reviewable transactions during the POR.

Assessment

Pursuant to 19 CFR 356.8(a), the Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review. On May 6, 2003, the Department clarified its ''automatic assessment'' regulation.[3] This clarification will apply to entries of subject merchandise during the POR for which the reviewed company did not know its 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 any entries by Terphane, we will instruct CBP to assess antidumping duties in accordance with the reseller policy.

Cash Deposit Requirements

As this order has been revoked in full, and the suspension of liquidation of entries of PET film from Brazil has been lifted, we do not intend to issue cash deposit instructions.[4]

Notifications

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: December 9, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–31564 Filed 12–14–15; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Polyethylene Terephthalate Film, Sheet and Strip from Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 48292 (August 12, 2015) (*Preliminary Results*).

[2] *Id.*

[3] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (reseller policy).

[4] *See Polyethylene Terephthalate Film, Sheet, and Strip From Brazil, the People's Republic of China and the United Arab Emirates: Continuation and Revocation of Antidumping Duty Orders,* 80 FR 6689 (February 6, 2015).

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: Creel Survey of Private Boat Recreational Fishing in the U.S. Virgin Islands.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

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

Number of Respondents: 250.

Average Hours per Response: 15 minutes.

Burden Hours: 63.

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

The National Marine Fisheries Service (NMFS) proposes to collect landings and socioeconomic data from recreational anglers in the U.S. Virgin Islands. This data collection will assist in creating and utilizing an appropriate methodology for future sampling of this segment of these fisheries and to assist in the development of management proposals. In addition, the information will be used to satisfy legal mandates under Executive Order 12898, the Magnuson-Stevens Fishery Conservation and Management Act (U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act, and other pertinent statues.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: December 10, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–31500 Filed 12–14–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE280

Fisheries of the Exclusive Economic Zone Off Alaska; North Pacific Groundfish and Halibut Observer Program Standard Ex-Vessel Prices

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

ACTION: Notification of standard ex-vessel prices.

SUMMARY: NMFS publishes standard ex-vessel prices for groundfish and halibut for the calculation of the observer fee under the North Pacific Groundfish and Halibut Observer Program (Observer Program). This notice is intended to provide information to vessel owners, processors, registered buyers, and other participants about the standard ex-vessel prices that will be used to calculate the observer fee liability for landings of groundfish and halibut made in 2016. NMFS will send invoices to processors and registered buyers subject to the fee by January 15, 2017. Fees are due to NMFS on or before February 15, 2017.

DATES: Effective January 1, 2016.

FOR FURTHER INFORMATION CONTACT: For general questions about the observer fee and standard ex-vessel prices, contact Sally Bibb at 907–586–7389. For questions about the fee billing process, contact Kristie Balovich at 907–586–7419. Additional information about the Observer Program is available on NMFS Alaska Region's Web site at *http://alaskafisheries.noaa.gov/sustainablefisheries/observers/.*

SUPPLEMENTARY INFORMATION:

Background

The Observer Program deploys NMFS-certified observers (observers) who collect information necessary for the conservation and management of the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish and halibut fisheries. Fishery managers use information collected by observers to monitor quotas, manage groundfish and prohibited species catch, and document and reduce fishery interactions with protected resources. Scientists use observer-collected information for stock assessments and marine ecosystem research.

The Observer Program is divided into two observer coverage categories—the partial observer coverage category and the full observer coverage category. All groundfish and halibut vessels and processors are included in one of these two categories. The partial observer coverage category includes vessels and processors that are not required to have an observer at all times; the full observer coverage category includes vessels and processors required to have all of their fishing and processing operations off Alaska observed. Vessels and processors in the full coverage category arrange and pay for observer services from a permitted observer provider. Observer coverage for the partial coverage category is funded through a system of fees based on the ex-vessel value of groundfish and halibut.

Landings Subject to Observer Coverage Fee

The objective of the observer fee assessment is to levy a fee on all landings accruing against a Federal total allowable catch (TAC) for groundfish or a commercial halibut quota made by vessels that are subject to Federal regulations and not included in the full coverage category. A fee is only assessed on landings of groundfish from vessels designated on a Federal Fisheries Permit or from vessels landing individual fishing quota (IFQ) or community development quota (CDQ) halibut or IFQ sablefish. Within the subset of vessels subject to the observer fee, only landings accruing against the Federal TAC are included in the fee assessment. A table with additional information about which landings are and are not subject to the observer fee is in NMFS regulations at § 679.55(c) and is on page 2 of an informational bulletin titled ''Observer Fee Collection'' on the NMFS Alaska Region Web site at *https://alaskafisheries.noaa.gov/sustainablefisheries/observers/observerfees.pdf.*

Fee Determination

A fee equal to 1.25 percent of the ex-vessel value is assessed on the landings of groundfish and halibut subject to the fee. Ex-vessel value is determined by multiplying the standard price for groundfish by the round weight equivalent for each species, gear, and port combination, and the standard price for halibut by the headed and gutted weight equivalent. NMFS will assess each landing report submitted via eLandings and each manual landing entered into the IFQ landing database and determine if the landing is subject to the observer fee and, if it is, which groundfish in the landing are subject to the observer fee. All IFQ or CDQ halibut in a landing subject to the observer fee will be assessed as part of the fee liability. For any groundfish or halibut subject to the observer fee, NMFS will apply the appropriate standard ex-vessel prices for the species, gear type, and port, and calculate the observer fee liability associated with the landing.

Processors and registered buyers access the landing-specific, observer fee liability information through NMFS Web Application (*https://alaskafisheries.noaa.gov/webapps/efish/login*) or eLandings (*https://elandings.alaska.gov/*). For IFQ halibut, CDQ halibut, and IFQ sablefish, this information is available as soon as the IFQ report is submitted. For groundfish and sablefish that accrue against the fixed gear sablefish CDQ reserve, the observer fee liability information is generally available within 24 hours of receipt of the report. The time lag on the groundfish and sablefish CDQ fee information is necessary because NMFS

must process the landings report through the catch accounting system computer programs to determine if all of the groundfish in the landings are subject to the observer fee. Information about which groundfish in a landing accrues against a Federal TAC is not immediately available from the processor's data entry into eLandings.

The intent of the North Pacific Fishery Management Council and NMFS is for vessel owners to split the fee liability 50/50 with the processor or registered buyer. While vessels and processors are responsible for their portion of the fee, the owner of a shoreside processor or a stationary floating processor and the registered buyer are responsible for collecting the fee, including the vessel's portion of the fee, and remitting the full fee liability to NMFS.

NMFS will send invoices to processors and registered buyers for their total fee liability, which is determined by the sum of the fees reported for each landing for that processor or registered buyer for the prior calendar year, by January 15, 2017. Processors and registered buyers must pay the fees to NMFS using NMFS Web Application by February 15, 2017. Processors and registered buyers have access to this system through a User ID and password issued by NMFS. Instructions for electronic payment will be provided on the NMFS Alaska Region Web site at *https://alaskafisheries.noaa.gov* and on the observer fee liability invoice to be mailed to each permit holder.

Standard Prices

This notice provides the standard ex-vessel prices for groundfish and halibut species subject to the observer fee in 2016. Data sources for ex-vessel prices are:

- For groundfish other than sablefish IFQ and sablefish accruing against the fixed gear sablefish CDQ reserve, the State of Alaska's Commercial Fishery Entry Commission's (CFEC) gross revenue data, which are based on the Commercial Operator Annual Report (COAR) and Alaska Department of Fish and Game (ADF&G) fish tickets; and
- For halibut IFQ, halibut CDQ, sablefish IFQ, and sablefish accruing against the fixed gear sablefish CDQ reserve, the IFQ Buyer Report that is submitted annually to NMFS under § 679.5(l)(7)(i).

The standard prices in this notice were calculated using applicable guidance for protecting confidentiality of data submitted to or collected by NMFS. NMFS does not publish any price information that would permit the identification of an individual or business. At least four different vessels must make landings of a species with a particular gear type at a particular port in order for NMFS to publish that price data for that species-gear-port combination. Similarly, at least three different processors in a particular port must purchase a species harvested with a particular gear type in order for NMFS to publish a price for that species-gear-port combination. Price data that is confidential because fewer than four vessels or three processors contributed data to a particular species-gear-port combination has been aggregated to protect confidential data.

Groundfish Standard Ex-Vessel Prices

Table 1 shows the groundfish species standard ex-vessel prices for 2016. These prices are based on the CFEC gross revenue data, which are based on landings data from ADF&G fish tickets and information from the COAR. The COAR contains statewide buying and production information, and is considered the most complete routinely collected information to determine the ex-vessel value of groundfish harvested from waters off Alaska.

The standard ex-vessel prices for groundfish were calculated by adding ex-vessel value from the CFEC gross revenue files for 2012, 2013, and 2014 by species, port, and gear category, and adding the volume (weight) the CFEC gross revenue files for 2012, 2013, and 2014 by species, port, and gear category, and then dividing total ex-vessel value over the 3-year period in each category by total volume over the 3-year period in each category. This calculation results in an average ex-vessel price per pound by species, port, and gear category for the 3-year period. Three gear categories were used for the standard ex-vessel prices: (1) Non-trawl gear, including hook-and-line, pot, jig, troll, and others (Non-Trawl); (2) non-pelagic trawl gear (NPT); and (3) pelagic trawl gear (PTR).

CFEC ex-vessel value data are available in the fall of the year following the year the fishing occurred. Thus, it is not possible to base ex-vessel fee liabilities on standard prices that are less than 2 years old.

If a particular groundfish species is not listed in Table 1, the standard ex-vessel price for a species group, if it exists in the management area, will be used. If price data for a particular species remained confidential once aggregated to the ALL level, data is aggregated by species group (BSAI Skate; Flathead Sole; GOA Deep-water Flatfish; GOA Shallow-water Flatfish; GOA Skate, Other; and Other Rockfish). Standard prices for the groundfish species groups are shown in Table 2.

If a port-level price does not meet the confidentiality requirements, the data are aggregated by port group. Port-group data for Southeast Alaska (SEAK) and the Eastern GOA excluding Southeast Alaska (EGOAxSE) also are presented separately when price data are available. Port-group data is then aggregated by regulatory area in the GOA (Eastern GOA, Central GOA, and Western GOA) and by subarea in the BSAI (BS subarea and AI subarea). If confidentiality requirements are still not met by aggregating prices across ports at these levels, the prices are aggregated at the level of BSAI or GOA, then statewide (AK) and ports outside of Alaska (OTAK), and finally all ports, including those outside of Alaska (''ALL'').

Standard prices are presented separately for non-pelagic trawl and pelagic trawl when non-confidential data is available. NMFS also calculated prices for a ''Pelagic Trawl/Non-pelagic Trawl Combined'' category that can be used when combining trawl price data for landings of a species in a particular port or port group will not violate confidentiality requirements. Creating this standard price category allows NMFS to assess a fee on 2016 landings of some of the species with pelagic trawl gear based on a combined trawl gear price for the port or port group.

If no standard ex-vessel price is listed for a species or species group and gear category combination in Table 1, Table 2, or Table 3, no fee will be assessed on that landing. Volume and value data for that species will be added to the standard ex-vessel prices in future years, if that data becomes available and display of a standard ex-vessel price meets confidentiality requirements.

TABLE 1—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES FOR 2016 OBSERVER COVERAGE FEE LIABILITY

[Based on volume and value from 2012, 2013, and 2014]

Species [1 2]	Port/area [3 4]	Non-trawl ($)	NPT ($)	PTR ($)	PTR/NPT ($)
Alaska Plaice Flounder (133)	Kodiak	—	0.09	—	0.09
	CGOA	—	0.09	—	0.09
	GOA	—	0.09	—	0.09
	AK	—	0.09	—	0.09
	ALL	—	0.09	—	0.09
Arrowtooth Flounder (121)	Kodiak	—	0.06	0.06	—
	CGOA	—	0.06	0.06	—
	GOA	—	0.06	0.06	—
	AK	0.45	0.06	0.06	—
	ALL	0.45	0.06	0.06	—
Black Rockfish (142)	AK	0.48	0.19	—	0.18
Bocaccio Rockfish (137)	SEAK	0.43	—	—	—
	EGOA	0.43	—	—	—
	GOA	0.43	—	—	—
	AK	0.43	—	—	—
	ALL	0.43	—	—	—
Butter Sole (126)	Kodiak	—	0.16	0.16	—
	CGOA	—	0.16	0.16	—
	GOA	—	0.16	0.16	—
	AK	—	0.16	0.16	—
	ALL	—	0.16	0.16	—
Canary Rockfish (146)	Sitka	0.56	—	—	—
	SEAK	0.51	—	—	—
	EGOA	0.51	—	—	—
	CGOA	0.42	—	—	—
	GOA	0.50	—	—	—
	AK	0.50	—	—	—
	ALL	0.50	—	—	—
China Rockfish (149)	SEAK	0.55	—	—	—
	Cordova	0.37	—	—	—
	EGOAxSE	0.37	—	—	—
	Homer	0.53	—	—	—
	CGOA	0.67	—	—	—
	GOA	0.45	—	—	—
	AK	0.45	—	—	—
	ALL	0.45	—	—	—
Copper Rockfish (138)	Sitka	0.58	—	—	—
	SEAK	0.56	—	—	—
	Cordova	0.29	—	—	—
	EGOAxSE	0.29	—	—	—
	Homer	0.38	—	—	—
	CGOA	0.40	—	—	—
	GOA	0.41	—	—	—
	AK	0.41	—	—	—
	ALL	0.41	—	—	—
Dover Sole (124)	Kodiak	—	0.10	0.10	—
	CGOA	—	0.10	0.10	—
	GOA	—	0.10	0.10	—
	AK	—	0.10	0.10	—
	ALL	—	0.10	0.10	—
Dusky Rockfish (172)	Sitka	0.50	—	—	—
	SEAK	0.49	—	—	—
	EGOAxSE	0.29	—	—	—
	Homer	0.39	—	—	—
	Kodiak	0.30	0.20	0.20	—
	Seward	0.46	—	—	—
	CGOA	0.31	0.20	0.20	—
	GOA	0.35	0.20	0.22	—
	AK	0.35	0.20	0.22	—
	ALL	0.35	0.20	0.22	—
English Sole (128)	Kodiak	—	0.16	—	0.16
	CGOA	—	0.16	—	0.16
	GOA	—	0.16	—	0.16
	AK	—	0.16	—	0.16
	ALL	—	0.16	—	0.16
Flathead Sole (122)	Kodiak	—	0.16	0.16	—
	CGOA	—	0.16	0.16	—
	GOA	—	0.16	0.10	—
	AK	—	0.16	0.09	—
	ALL	—	0.16	0.09	—

TABLE 1—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES FOR 2016 OBSERVER COVERAGE FEE LIABILITY—Continued

[Based on volume and value from 2012, 2013, and 2014]

Species [1 2]	Port/area [3 4]	Non-trawl ($)	NPT ($)	PTR ($)	PTR/NPT ($)
Northern Rockfish (136)	Kodiak	0.14	0.20	0.19	—
	CGOA	0.17	0.20	0.19	—
	GOA	0.17	0.20	0.19	—
	AK	0.24	0.20	0.19	—
	ALL	0.24	0.20	0.19	—
Octopus (870)	Homer	0.77	—	—	—
	Kodiak	0.56	0.58	0.52	—
	CGOA	0.57	0.58	0.52	—
	WGOA	0.41	—	—	—
	GOA	0.52	0.58	0.52	—
	DH/Unalaska	0.31	—	—	—
	BS	0.30	—	—	—
	BSAI	0.30	—	—	—
	AK	0.51	0.58	0.52	—
	ALL	0.51	0.58	0.52	—
Pacific Cod (110)	Hoonah	0.55	—	—	—
	Juneau	0.60	—	—	—
	Ketchikan	0.31	—	—	—
	Petersburg	0.14	—	—	—
	Sitka	0.43	—	—	—
	SEAK	0.57	—	—	—
	Cordova	0.36	—	—	—
	EGOAxSE	0.35	—	—	—
	Homer	0.35	—	—	—
	Kodiak	0.33	0.29	0.27	—
	Seward	0.34	—	—	—
	CGOA	0.34	0.29	0.27	—
	WGOA	0.28	—	—	—
	GOA	—	0.28	0.19	—
	Adak	0.30	—	—	—
	AI	0.30	—	—	—
	DH/Unalaska	0.31	0.29	—	0.29
	BS	0.31	0.28	—	0.28
	BSAI	—	0.28	—	0.28
	Stationary Floating Processor	0.30	—	—	0.27
	AK	0.31	0.28	0.18	—
	ALL	0.31	0.28	0.18	—
Pacific Ocean Perch (141)	Kodiak	—	0.21	0.23	—
	CGOA	—	0.21	0.23	—
	GOA	—	0.21	0.25	—
	AK	0.33	0.21	0.25	—
	ALL	0.33	0.21	0.25	—
Pollock (270)	Homer	0.34	—	—	—
	Kodiak	0.13	0.16	0.16	—
	Seward	0.09	—	—	—
	CGOA	0.14	0.16	0.16	—
	GOA	0.14	0.16	0.16	—
	DH/Unalaska	0.11	0.16	—	0.16
	BS	0.10	0.15	—	0.15
	BSAI	0.10	0.15	—	0.15
	Stationary Floating Processor	—	—	—	0.16
	AK	0.14	0.16	0.16	—
	ALL	0.14	0.16	0.16	—
Quillback Rockfish (147)	Ketchikan	0.46	—	—	—
	Sitka	0.82	—	—	—
	SEAK	0.83	—	—	—
	Cordova	0.27	—	—	—
	EGOAxSE	0.28	—	—	—
	Homer	0.39	—	—	—
	Seward	0.39	—	—	—
	CGOA	0.39	—	—	—
	GOA	0.59	—	—	—
	AK	0.59	—	—	—
	ALL	0.59	—	—	—
Redbanded Rockfish (153)	Ketchikan	0.32	—	—	—
	Sitka	0.52	—	—	—
	SEAK	0.37	—	—	—
	EGOAxSE	0.31	—	—	—
	Homer	0.34	—	—	—

TABLE 1—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES FOR 2016 OBSERVER COVERAGE FEE LIABILITY—Continued

[Based on volume and value from 2012, 2013, and 2014]

Species [1] [2]	Port/area [3] [4]	Non-trawl ($)	NPT ($)	PTR ($)	PTR/NPT ($)
	Kodiak	0.23	0.18	—	0.18
	Seward	0.40	—	—	—
	CGOA	0.33	0.18	—	0.18
	GOA	0.36	0.18	—	0.18
	AK	0.36	0.18	—	0.18
	ALL	0.36	0.18	—	0.18
Redstripe Rockfish (158)	EGOA	0.46	—	—	—
	CGOA	0.31	—	—	—
	GOA	0.35	—	—	—
	AK	0.35	—	—	—
	ALL	0.35	—	—	—
Rex Sole (125)	Kodiak	—	0.31	0.31	—
	CGOA	—	0.31	0.31	—
	GOA	—	0.31	0.31	—
	AK	—	0.31	0.31	—
	ALL	—	0.31	0.31	—
Rock Sole (123)	Kodiak	—	0.25	0.25	—
	CGOA	—	0.25	0.25	—
	GOA	—	0.25	0.25	—
	AK	—	0.25	0.25	—
	ALL	—	0.25	0.25	—
Rosethorn Rockfish (150)	SEAK	0.45	—	—	—
	EGOA	0.45	—	—	—
	GOA	0.44	—	—	—
	AK	0.44	—	—	—
	ALL	0.44	—	—	—
Rougheye Rockfish (151)	Ketchikan	0.32	—	—	—
	Petersburg	0.27	—	—	—
	Sitka	0.52	—	—	—
	SEAK	0.41	—	—	—
	Cordova	0.25	—	—	—
	EGOAxSE	0.28	—	—	—
	Homer	0.34	—	—	—
	Kodiak	0.31	0.23	0.23	—
	Seward	0.40	—	—	—
	CGOA	0.35	0.23	0.22	—
	GOA	0.36	0.25	0.22	—
	DH/Unalaska	0.14	—	—	—
	BS	0.14	—	—	—
	BSAI	0.16	—	—	—
	AK	0.36	0.25	0.22	—
	ALL	0.36	0.25	0.22	—
Sablefish (blackcod) (710)	Kodiak	[5] n/a	2.74	2.73	—
	CGOA	[5] n/a	2.74	2.71	—
	GOA	[5] n/a	2.75	2.71	—
	AK	[5] n/a	2.75	2.71	—
	ALL	[5] n/a	2.75	2.71	—
Shortraker Rockfish (152)	Ketchikan	0.31	—	—	—
	Sitka	0.54	—	—	—
	SEAK	0.39	—	—	—
	Cordova	0.37	—	—	—
	EGOAxSE	0.50	—	—	—
	Homer	0.35	—	—	—
	Kodiak	0.30	0.23	0.24	—
	Seward	0.40	—	—	—
	CGOA	0.39	0.23	0.22	—
	GOA	0.40	0.29	0.22	—
	DH/Unalaska	0.38	—	—	—
	BS	0.34	—	—	—
	BSAI	0.34	—	—	—
	AK	0.40	0.29	0.22	—
	ALL	0.40	0.29	0.22	—
Silvergray Rockfish (157)	Ketchikan	0.36	—	—	—
	Sitka	0.55	—	—	—
	SEAK	0.44	—	—	—
	EGOAxSE	0.28	—	—	—
	Homer	0.44	—	—	—
	Seward	0.42	—	—	—
	CGOA	0.41	—	—	—

TABLE 1—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES FOR 2016 OBSERVER COVERAGE FEE LIABILITY—Continued

[Based on volume and value from 2012, 2013, and 2014]

Species [1 2]	Port/area [3 4]	Non-trawl ($)	NPT ($)	PTR ($)	PTR/NPT ($)
	GOA	0.43	—	—	0.29
	AK	0.43	—	—	0.29
	ALL	0.43	—	—	0.29
Skate, Alaska (703)	EGOA	0.40	—	—	—
	GOA	0.41	—	—	—
	AK	0.41	—	—	—
	ALL	0.41	—	—	—
Skate, Aleutian (704)	AK	0.43	—	—	—
	ALL	0.43	—	—	—
Skate, Big (702)	EGOAxSE	0.43	—	—	—
	EGOA	0.42	—	—	—
	Kodiak	0.45	0.45	0.45	—
	Seward	0.40	—	—	—
	CGOA	0.44	0.45	0.45	—
	GOA	0.44	0.45	0.45	—
	AK	0.44	0.45	0.45	—
	ALL	0.44	0.45	0.45	—
Skate, Longnose (701)	Petersburg	0.40	—	—	—
	SEAK	0.40	—	—	—
	EGOAxSE	0.41	—	—	—
	Homer	0.36	—	—	—
	Kodiak	0.45	0.44	0.44	—
	Seward	0.41	—	—	—
	CGOA	0.44	0.44	0.44	—
	GOA	0.43	0.44	0.44	—
	AK	0.43	0.44	0.44	—
	ALL	0.43	0.44	0.44	—
Skate, Other (700)	Kodiak	0.44	—	—	—
	CGOA	0.47	—	—	—
	GOA	0.44	—	—	—
	Stationary Floating Processor	0.35	—	—	—
	AK	0.37	—	—	—
	ALL	0.37	—	—	—
Squid (875)	Kodiak	—	—	0.06	0.06
	CGOA	—	—	0.08	0.08
	GOA	—	—	0.08	0.08
	AK	—	0.03	0.07	—
	ALL	—	0.03	0.07	—
Starry Flounder (129)	Kodiak	—	0.08	0.08	—
	CGOA	—	0.08	0.08	—
	GOA	—	0.08	0.08	—
	AK	—	0.08	0.08	—
	ALL	—	0.08	0.08	—
Thornyhead Rockfish (Idiots) (143)	Ketchikan	1.18	—	—	—
	Petersburg	1.00	—	—	—
	SEAK	1.09	—	—	—
	Cordova	0.53	—	—	—
	EGOAxSE	0.82	—	—	—
	Homer	0.79	—	—	—
	Kodiak	0.64	0.67	—	0.70
	Seward	0.84	—	—	—
	CGOA	0.77	0.67	—	0.70
	WGOA	0.72	—	—	—
	GOA	—	0.67	—	0.70
	AI	0.44	—	—	—
	DH/Unalaska	0.75	—	—	—
	BS	0.73	—	—	—
	AK	0.85	0.67	—	0.70
	ALL	0.85	0.67	—	0.70
Tiger Rockfish (148)	SEAK	0.45	—	—	—
	Cordova	0.25	—	—	—
	EGOAxSE	0.28	—	—	—
	Homer	0.35	—	—	—
	Seward	0.39	—	—	—
	CGOA	0.38	—	—	—
	GOA	0.40	—	—	—
	AK	0.40	—	—	—
	ALL	0.40	—	—	—
Widow Rockfish (156)	Sitka	0.46	—	—	—

TABLE 1—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES FOR 2016 OBSERVER COVERAGE FEE LIABILITY—Continued

[Based on volume and value from 2012, 2013, and 2014]

Species [1] [2]	Port/area [3] [4]	Non-trawl ($)	NPT ($)	PTR ($)	PTR/NPT ($)
	SEAK	0.46	—	—	—
	EGOA	0.46	—	—	—
	GOA	0.47	—	—	—
	AK	0.47	—	—	—
	ALL	0.47	—	—	—
Yelloweye Rockfish (145)	Craig	1.44	—	—	—
	Hoonah	0.54	—	—	—
	Ketchikan	1.48	—	—	—
	Petersburg	1.15	—	—	—
	Sitka	1.78	—	—	—
	SEAK	1.61	—	—	—
	Cordova	0.98	—	—	—
	Whittier	0.86	—	—	—
	EGOAxSE	0.95	—	—	—
	Homer	0.79	—	—	—
	Kodiak	0.42	0.25	—	0.25
	Seward	0.67	—	—	—
	CGOA	0.65	0.25	—	0.25
	GOA	1.40	0.25	—	0.25
	DH/Unalaska	0.35	—	—	—
	BS	0.23	—	—	—
	BSAI	0.23	—	—	—
	AK	1.40	0.25	—	0.25
	ALL	1.40	0.25	—	0.25
Yellowtail Rockfish (155)	Sitka	0.55	—	—	—
	SEAK	0.55	—	—	—
	EGOA	0.54	—	—	—
	CGOA	0.24	—	—	—
	GOA	0.32	—	—	—
	AK	0.32	—	—	—
	ALL	0.32	—	—	—

— = no landings in last 3 years or the data is confidential

[1] If species is not listed, use price for the species group in Table 2 if it exists in the management area. If no price is available for the species or species group in Table 1, Table 2, or Table 3, no fee will be assessed on that landing. That species will come into standard ex-vessel prices in future years.

[2] For species codes, see Table 2a to 50 CFR part 679.

[3] Regulatory areas are defined at § 679.2. (AI = Aleutian Islands subarea; AK = Alaska; ALL = all ports including those outside Alaska; BS = Bering Sea subarea; BSAI = Bering Sea/Aleutian Islands; CGOA = Central Gulf of Alaska; EGOA = Eastern Gulf of Alaska; EGOAxSE = Eastern Gulf of Alaska except Southeast Alaska; GOA = Gulf of Alaska; SEAK = Southeast Alaska; WGOA = Western Gulf of Alaska)

[4] If a price is listed for the species, port, and gear type combination, that price will be applied to the round weight equivalent for groundfish landings. If no price is listed for the port and gear type combination, use port group and gear type, or see Table 2 or Table 3.

[5] n/a = ex-vessel prices for sablefish landed with hook-and-line, pot, or jig gear are listed in Table 3 with the prices for IFQ and CDQ landings.

TABLE 2—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES GROUPS FOR 2016 OBSERVER COVERAGE FEE LIABILITY

[Based on volume and value from 2012, 2013, and 2014]

Species group [1]	Port/area [2] [3]	Non-trawl ($)	NPT ($)	PTR ($)	PTR/NPT ($)
BSAI Skate (USKT)	AK	0.43	—	—	—
Flathead Sole (FSOL)	Kodiak	—	0.16	0.16	—
	CGOA	—	0.16	0.16	—
	GOA	—	0.16	0.10	—
	AK	—	0.16	0.09	—
GOA Deep-water Flatfish [4] (DFL4)	Kodiak	—	0.10	0.10	—
	CGOA	—	0.10	0.10	—
	GOA	—	0.10	0.10	—
GOA Shallow-water Flatfish [5] (SFL1)	Kodiak	—	0.23	0.23	—
	CGOA	—	0.23	0.23	—
	GOA	—	0.23	0.23	—
GOA Skate, Other (USKT)	EGOA	0.40	—	—	—
	Kodiak	0.45	—	—	—
	CGOA	0.47	—	—	—
	GOA	0.42	—	—	—
Other Rockfish [6] [7] (ROCK)	Ketchikan	0.32	—	—	—
	Sitka	0.59	—	—	—
	SEAK	0.48	—	—	—

TABLE 2—STANDARD EX-VESSEL PRICES FOR GROUNDFISH SPECIES GROUPS FOR 2016 OBSERVER COVERAGE FEE LIABILITY—Continued

[Based on volume and value from 2012, 2013, and 2014]

Species group [1]	Port/area [2 3]	Non-trawl ($)	NPT ($)	PTR ($)	PTR/NPT ($)
	Cordova	0.79	—	—	—
	Whittier	0.79	—	—	—
	EGOAxSE	0.80	—	—	—
	Homer	0.76	—	—	—
	Kodiak	0.39	0.21	—	0.21
	Seward	0.57	—	—	—
	CGOA	0.58	0.21	0.28	—
	GOA	0.60	0.21	0.29	—
	AI	0.44	—	—	—
	DH/Unalaska	0.75	—	—	—
	BS	0.72	—	—	—
	AK	—	0.21	0.29	—

— = no landings in last 3 years or the data is confidential

[1] If groundfish species is not listed in Table 1, use price for the species group if it exists in the management area. If no price is available for the species or species group in Table 1, Table 2, or Table 3, no fee will be assessed on that landing. That species will come into standard ex-vessel prices in future years.

[2] Regulatory areas are defined at § 679.2. (AI = Aleutian Islands subarea; AK = Alaska; BS = Bering Sea subarea; CGOA = Central Gulf of Alaska; EGOA = Eastern Gulf of Alaska; EGOAxSE = Eastern Gulf of Alaska except Southeast Alaska; GOA = Gulf of Alaska; SEAK = Southeast Alaska)

[3] If a price is listed for the species, port, and gear type combination, that price will be applied to the round weight equivalent for groundfish landings. If no price is listed for the port and gear type combination, use port group and gear type combination.

[4] ''Deep-water flatfish'' in the GOA means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

[5] ''Shallow-water flatfish'' in the GOA means flatfish not including ''deep-water flatfish,'' flathead sole, rex sole, or arrowtooth flounder.

[6] In the GOA:

''Other rockfish (slope rockfish)'' means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergray), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail).

''Demersal shelf rockfish'' means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

''Other rockfish'' in the Western and Central Regulatory Areas means ''other rockfish (slope rockfish)'' and demersal shelf rockfish.

''Other rockfish'' in the West Yakutat District of the EGOA means ''other rockfish (slope rockfish),'' northern rockfish (*S. polyspinis*), and demersal shelf rockfish.

''Other rockfish'' in the SEO District of the GOA (and SEAK for Table 2) means ''other rockfish (slope rockfish) and northern rockfish (*S. polyspinis*).

[7] ''Other rockfish'' in the BSAI includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern, shortraker, and rougheye rockfish.

TABLE 3—STANDARD EX-VESSEL PRICES FOR HALIBUT IFQ, HALIBUT CDQ, SABLEFISH IFQ, AND SABLEFISH ACCRUING AGAINST THE FIXED GEAR SABLEFISH CDQ RESERVE FOR THE 2016 OBSERVER FEE LIABILITY

[Based on 2015 IFQ Buyer Report]

Species	Port/Area [1]	Price [2] ($)
Halibut (200) ..	Ketchikan	$6.59
	Petersburg	6.60
	SEAK	6.61
	Cordova	6.65
	Yakutat	6.47
	EGOAxSE	6.53
	Homer	6.74
	Kenai	7.09
	Kodiak	6.45
	CGOA	6.58
	WGOA	5.44
	BS	5.87
	BSAI	5.81
	AK	6.42
	ALL	6.42
Sablefish (710).	Ketchikan	3.95
	SEAK	4.06

TABLE 3—STANDARD EX-VESSEL PRICES FOR HALIBUT IFQ, HALIBUT CDQ, SABLEFISH IFQ, AND SABLEFISH ACCRUING AGAINST THE FIXED GEAR SABLEFISH CDQ RESERVE FOR THE 2016 OBSERVER FEE LIABILITY—Continued

[Based on 2015 IFQ Buyer Report]

Species	Port/Area [1]	Price [2] ($)
	EGOAxSE	3.63
	Homer	3.54
	Kodiak	3.76
	CGOA	3.74
	WGOA	3.28
	BS	4.68
	BSAI	4.52
	AK	3.85
	ALL	3.85

[1] Regulatory areas are defined at § 679.2. (AK = Alaska; ALL = all ports including those outside Alaska; BS = Bering Sea subarea; CGOA = Central Gulf of Alaska; EGOAxSE = Eastern Gulf of Alaska except Southeast Alaska; SEAK = Southeast Alaska; WGOA = Western Gulf of Alaska)

[2] If a price is listed for the species and port combination, that price will be applied to the round weight equivalent for sablefish landings and the headed and gutted weight equivalent for halibut landings. If no price is listed for the port, use port group.

Halibut and Sablefish IFQ and CDQ Standard Ex-Vessel Prices

Table 3 shows the observer fee standard ex-vessel prices for halibut and sablefish. These standard prices are calculated as a single annual average price, by port or port group. Volume and ex-vessel value data collected on the 2015 IFQ Buyer Report for landings made from October 1, 2014, through September 30, 2015, were used to calculate the standard ex-vessel prices for the 2016 observer fee liability for halibut IFQ, halibut CDQ, sablefish IFQ, and sablefish landings that accrue against the fixed gear sablefish CDQ reserve.

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

Dated: December 10, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–31520 Filed 12–14–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE353

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that the Exempted Fishing Permit that would facilitate the harvest of Atlantic herring research set-aside quota warrants further consideration. The Exempted Fishing Permit would authorize federally permitted Atlantic herring vessels to harvest Atlantic Herring research set-aside quota without possession limit after the possession limit in herring management areas has been reduced to 2,000 lb (907.2 kg) for commercial herring vessels. It would also allow vessels to harvest Atlantic herring research set-aside quota during Area 1A and 1B seasonal closures. Vessels working with researchers for approved projects will need the Exempted Fishing Permits to harvest herring that will generate funds to pay for the research.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on proposed EFPs.

DATES: Comments must be received on or before December 30, 2015.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: NMFS.GAR.EFP@noaa.gov.* Include in the subject line ''Comments on 2016/2018 Atlantic Herring RSA EFP.''
- *Mail:* John K. Bullard, Regional Administrator, NMFS, NE Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on 2016/2018 Atlantic Herring RSA EFP.''
- *Fax:* (978) 281–9135.

FOR FURTHER INFORMATION CONTACT: Daniel Luers, Fishery Management Specialist, (978) 282–8457, *Daniel.Luers@noaa.gov.*

SUPPLEMENTARY INFORMATION: The subject Exempted Fishing Permit (EFP) would facilitate herring research set-aside (RSA) compensation fishing in support of project(s) funded under the 2016–2018 herring RSA competition. Proposals are currently under review. One project would examine river herring portside sampling and an avoidance program while the other would investigate mixing of the Gulf of Maine-Georges Bank Atlantic herring resource with the Scotian shelf Atlantic herring resource using genetic analysis techniques. Consistent with previous herring RSA compensation fishing EFPs, vessels would be authorized to harvest herring RSA quota after a herring management area quota has been caught and the fishery is limited to a 2,000 lb (907.2 kg) herring possession limit per trip, as well as allow vessels to harvest RSA quota during the seasonal closures in Management Areas 1A and 1B from January through May and January through April, respectively. Grant recipients will be required to meet all EFP application requirements prior to the issuance of the subject EFPs.

If approved, the applicants may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: December 10, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–31519 Filed 12–14–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Region Bering Sea and Aleutian Islands (BSAI) Crab Economic Data Reports (EDR)

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before February 16, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to NMFS Alaska Region, Patsy A. Bearden, (907) 586–7008 or *patsy.bearden@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Crab Rationalization (CR) Program is a limited-access system that allocates crab managed under the Fisheries Management Plan (FMP) among harvesters, processors, and coastal communities. The CR Program currently includes a comprehensive economic data collection program requiring participants to complete annual Economic Data Reports (EDRs). These EDRs are intended to aid the North Pacific Fisheries Management Council and NMFS in assessing the success of the CR Program and developing amendments to the FMP to mitigate any unintended consequences of the CR Program.

Pacific States Marine Fisheries Commission (PSMFC) is the Data Collection Agent for the CR Program. The CR Crab EDR program collects annually reported cost, revenue, ownership, and employment data from harvest and processing sector participants in the CR fisheries. This

information is necessary to monitor and assess the economic effects of the CR program and support rigorous economic analysis to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act.

Participation in the CR Crab EDR program is mandatory under Federal fisheries regulations 50 CFR part 680.6 for all active vessel and processing sector participants in the CR Program fisheries.

II. Method of Collection

Information may be submitted online, by fax, and by mail.

III. Data

OMB Control Number: 0648–0518.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations; not-for-profit organizations.

Estimated Number of Respondents: 101.

Estimated Time per Response: 10 hr for full Catcher Vessel Crab EDR; 2 hours for certification only Catcher Vessel Crab EDR; 10 hr for full Catcher/processor Crab EDR; 2 hours for certification only Catcher/processor Crab EDR; 10 hr for full Processor Crab EDR; 2 hours for certification only Processor Crab EDR; and 8 hours for Verification of Data.

Estimated Total Annual Burden Hours: 1,848.

Estimated Total Annual Cost to Public: $101,746.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 10, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–31501 Filed 12–14–15; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0031, Procurement Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''Commission'') is announcing an opportunity for public comment on the proposed collection of certain information by the agency. 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 of an existing collection of information, and to allow 60 days for comment in response to the notice. This notice solicits comments on the extension of requirements relating to information collected to assist the Commission in soliciting and awarding contracts, OMB Control No. 3038–0031 (Procurement Contracts).

DATES: Comments must be submitted on or before February 16, 2016.

ADDRESSES: You may submit comments, identified by ''Procurement Contracts,'' and Collection Number 3038–0031, by any of the following methods:

- The Agency's Web site, at *http://comments.cftc.gov/*. Follow the instructions for submitting comments through the Web site.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.
- *Federal eRulemaking Portal: http://www.regulations.gov/*. Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov*.

FOR FURTHER INFORMATION CONTACT: Sonda Owens, Financial Management Branch, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581; phone: (202) 418–5182; fax: (202) 418–5414; email: *sowens@cftc.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* Federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the Commission is publishing notice of the proposed collection of information listed below.

Title: Procurement Contracts (OMB Control No. 3038–0031). This is a request for an extension of a currently approved information collection.

Abstract: The information collected under this request is gathered through the use of forms specific to a contract or contracting action. The standard forms are prescribed for use for non-personal services, construction, award of contracts and solicitations as by agencies in connection with the procurement of supplies, purchase and delivery orders, specified in the Federal Acquisition Regulations (48 CFR 1–53). The information provided on the forms is specific and generally does not require additional information or questions. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

With respect to the following collection of information, the Commission invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Ways to enhance the quality of, usefulness, and clarity of the information to be collected; and

• Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the information collection request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its estimate of the burden for this collection to reflect changed circumstances below.

The information collection consists of procurement activities relating to solicitations, amendments to solicitations, requests for quotations, construction contracts, awards of contracts, performance bonds, and payment information for individuals (vendors) or contractors engaged in providing supplies or services.

The Commission estimates the burden of this collection of information as follows:

ESTIMATED ANNUAL REPORTING BURDEN

Annual number of respondents	Frequency of response	Total annual responses	Hours per response	Total hours
63	Annually	637	2	1274

There are no capital costs or operating and maintenance costs associated with this collection.

(**Authority:** 44 U.S.C. 3501 *et seq.*)

Dated: December 10, 2015.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2015–31509 Filed 12–14–15; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2015–ICCD–0114]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; The Secretary of the Department of Education's Recognition of Accrediting Agencies, and the Comparability of Medical and Veterinary Medical Programs

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before January 14, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0114. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Herman Bounds, 202–219–7039.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: The Secretary of the Department of Education's Recognition of Accrediting Agencies, and the Comparability of Medical and Veterinary Medical Programs.

OMB Control Number: 1840–0788.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 127.

Total Estimated Number of Annual Burden Hours: 828.

Abstract: In compliance with Title 34 CFR part 602.10 and 603.24 (for state agencies approval of vocational education and nurse education), the

[1] 17 CFR 145.9.

information collected consists of petitions, reports, and accreditation notifications. The information collected is required to determine if accrediting agencies or foreign medical and foreign veterinary medical programs comply and are comparable to the Secretary of Education's criteria for recognition outlined in 34 CFR 600.55 and CFR 600.56. The information is used to allow the Secretary to make determinations on new, extension and/or continuing recognition or comparability status. Only postsecondary institutions and countries deemed to be using comparable standards obtain Title IV funding for its students.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–31484 Filed 12–14–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Funding Additional Awards; Research Networks Focused on Critical Problems of Education Policy and Practice Program

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

SUMMARY: The Deputy Director for Policy and Research, delegated the duties of the Director, of the Institute of Education Sciences (Institute) announces the Institute's intent to fund three additional grant awards under the Research Networks Focused on Critical Problems of Education Policy and Practice Program, specifically under the Supporting Early Learning from Preschool Through Early Elementary School Grades topic. The Institute takes this action because of the number of high-quality applications received and the fact that funding is available in fiscal year (FY) 2016 to support these additional grant awards. The Institute expects to use an estimated $1.8 million for the three additional awards in FY 2016.

FOR FURTHER INFORMATION CONTACT: Dr. Allen Ruby. Telephone: (202) 219–1591 or by email: *Allen.Ruby@ed.gov*.

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On April 15, 2015, the Institute published a notice inviting applications in the **Federal Register** (80 FR 20203) for new awards in FY 2016 under the Research Networks Focused on Critical Problems of Education Policy and Practice Program. The notice indicated that the Institute would award a maximum of four grants under the Supporting Early Learning from Preschool Through Early Elementary School Grades topic but also that this number may be increased through a notice in the **Federal Register**.

In response to that notice and the accompanying Request for Applications (RFA), the Institute received seven high-quality applications for grants under the Supporting Early Learning from Preschool Through Early Elementary School Grades topic. All seven applications received high scores by peer reviewers. Because sufficient funds are available, the Institute intends to fund all seven applications.

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

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department. Catalog of Federal Domestic Assistance (CFDA) Number: 84.305N.

Delegation of Authority: The Secretary of Education has delegated authority to Ruth Neild, Deputy Director for Policy and Research, to perform the functions and duties of the Director for the Institute of Education Sciences.

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

Dated: December 10, 2015.

Ruth Neild,

Deputy Director for Policy and Research.

[FR Doc. 2015–31517 Filed 12–14–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0139]

Agency Information Collection Activities; Comment Request; National Assessment of Educational Progress (NAEP) 2017–2019

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before February 16, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0139. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubdzela via email at *kashka.kubzdela@ed.gov*.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in

public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Assessment of Educational Progress (NAEP) 2017–2019.

OMB Control Number: 1850–NEW (previously 1850–0790).

Type of Review: A new information collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Responses: 816,263.

Total Estimated Number of Annual Burden Hours: 397,894.

Abstract: This information collection is a revision to information collection 1850–0790; however, the Department is requesting a new OMB control number in place of the old number.

The National Assessment of Educational Progress (NAEP), conducted by the National Center for Education Statistics (NCES), is a federally authorized survey of student achievement at grades 4, 8, and 12 in various subject areas, such as mathematics, reading, writing, science, U.S. history, civics, geography, economics, technology and engineering literacy (TEL), and the arts. The National Assessment of Educational Progress Authorization Act (Public Law 107–279 Title III, section 303) requires the assessment to collect data on specified student groups and characteristics, including information organized by race/ethnicity, gender, socio-economic status, disability, and limited English proficiency. It requires fair and accurate presentation of achievement data and permits the collection of background, noncognitive, or descriptive information that is related to academic achievement and aids in fair reporting of results. The intent of the law is to provide representative sample data on student achievement for the nation, the states, and subpopulations of students and to monitor progress over time. The nature of NAEP is that burden alternates from a relatively low burden in national-level administration years to a substantial burden increase in state-level administration years when the sample has to allow for estimates for individual states and some of the large urban districts. This submission requests OMB's approval for main NAEP assessments in 2017, 2018, and 2019, including operational, pilot, and special studies. The NAEP results will be reported to the public through the Nation's Report Card as well as other online NAEP tools.

Dated: December 10, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–31521 Filed 12–14–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meeting related to the transmission planning activities of the New York Independent System Operator, Inc.

The New York Independent System Operator, Inc. Electric System Planning Working Group Meeting (CARIS Forum)

December 17, 2015, 2 p.m.–3:30 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/markets_operations/services/planning/index.jsp*

The discussions at the meeting described above may address matters at issue in the following proceedings:

New York Independent System Operator, Inc., Docket No. ER13–102.

ISO New England Inc., et al., Docket Nos. ER13–1957, *et al.*

ISO New England Inc., Docket Nos. ER13–193 and ER13–196.

New York Independent System Operator, Inc., Docket No. ER15–2059.

New York Independent System Operator, Inc., Docket No. ER16–120.

New York Transco, LLC, Docket No. ER15–572.

For more information, contact James Eason, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–8622 or *James.Eason@ferc.gov.*

Dated: December 9, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–31475 Filed 12–14–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR16–8–000]

Powder River Crude Services, LLC; Powder River Express, LLC; Notice of Petiton for Declaratory Order

Take notice that on December 9, 2015, pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2)(2015), Powder River Crude Services, LLC and Powder River Express, LLC filed a petition requesting a declaratory order approving the overall tariff and rate structure, open season procedures, prorationing provisions, and other terms of service associated with a new crude oil pipeline in the Powder River Basin of Wyoming. The pipeline is intended to connect crude oil production areas with downstream markets, including rail and other pipeline interconnections, as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.or* call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern time on December 31, 2015.

Dated: December 9, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–31478 Filed 12–14–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–520–000]

Tennessee Gas Pipeline Company, L.L.C; Notice of Schedule for Environmental Review of the Triad Expansion Project

On June 19, 2015, Tennessee Gas Pipeline Company, L.L.C. (Tennessee) filed an application in Docket No. CP15–520–000 requesting authorization 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 Triad Expansion Project (Project), and would deliver an additional 180,000 dekatherms per day of natural gas to meet the needs of a new natural gas-fired power plant to be constructed in Lackawanna County, Pennsylvania.

On July 6, 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 April 6, 2016

90-day Federal Authorization Decision Deadline July 5, 2016

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

Tennessee would construct about 7.0 miles of new 36-inch-diameter looping [1] pipeline adjacent to its existing 300 Line system in Susquehanna County, Pennsylvania; a new internal pipeline inspection (pig) [2] launcher, crossover, and connecting facilities at the beginning of the proposed pipeline loop; and a new pig receiver, a new odorant facility, and ancillary piping at the existing Compressor Station 321 in Susquehanna County, Pennsylvania.

Background

On August 5, 2015, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Triad 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 comments from the United States Army Corps of Engineers; Pennsylvania Department of Conservation and Natural Resources; the Stockbridge-Munsee Tribal Historic Preservation Office; the Allegheny Defense Project; and one individual. The primary issues raised during scoping relate to impacts on soils, wetlands, waterbodies, vegetation, and wildlife; recreation and impacts on cultural resources; reliability and safety concerns; and review of project alternatives.

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.,* CP15–520), 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 9, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–31467 Filed 12–14–15; 8:45 am]

BILLING CODE 6717–01–P

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[2] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Conference

	Docket Nos.
Public Service Company of Colorado.	ER15–237–004
	ER15–326–001
	ER16–178–000
	ER16–180–000
Black Hills/Colorado Electric Utility Company LP.	ER15–295–003
	ER15–348–003
	ER16–212–000
	ER16–217–000

On Tuesday, December 15, 2015, Commission staff will meet with Public Service Company of Colorado (PSCo) in Washington, DC. The purpose of the meeting is to discuss matters related to the filings submitted by PSCo and Black Hills/Colorado Electric Utility Company LP in the above-captioned proceedings, including matters related to: (1) The cost-based rate cap for energy provided

pursuant to the joint dispatch agreement; (2) Standards of Conduct issues; and (3) the proposed joint dispatch web portal. The meeting will begin at 10 a.m. at the Federal Energy Regulatory Commission headquarters building located at 888 First Street NE., Washington, DC, 20426. All interested parties are invited to observe the meeting in person or to listen to the meeting by telephone.[1] For further information please contact Dennis Reardon at 202–502–6719.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1 (866) 208–3372 (voice) or (202) 208–1659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

Dated: December 9, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–31474 Filed 12–14–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

TIME AND DATE: December 17, 2015, 10 a.m.

PLACE: Room 2C, 888 First Street NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* NOTE—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary. Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1022ST—MEETING, REGULAR MEETING

[December 17, 2015, 10 a.m.]

Item No.	Docket No.	Company
	ADMINISTRATIVE	
A–1	AD16–1–000	Agency Administrative Matters.
A–2	AD16–7–000	Customer Matters, Reliability, Security and Market Operations.
	ELECTRIC	
E–1	RM16–3–000	Ownership Information in Market-Based Rate Filings.
E–2	OMITTED.	
E–3	ER15–861–006	California Independent System Operator Corporation.
E–4	ER15–1196–002	Nevada Power Company.
E–5	EL15–102–000	DCR Transmission, LLC.
E–6	EL14–22–000	California Independent System Operator Corporation.
E–7	ER15–2377–000 EL14–27–000.	Southwest Power Pool, Inc.
E–8	ER15–2256–000 EL14–25–000.	Midcontinent Independent System Operator, Inc.
E–9	ER16–118–000	Midcontinent Independent System Operator, Inc. and ALLETE, Inc.
E–10	ER15–548–001	Midcontinent Independent System Operator, Inc.
E–11	ER12–2302–002 ER12–2302–003.	Midwest Independent Transmission System Operator, Inc.
E–12	ER12–2708–002 ER09–1256–001 (consolidated).	PJM Interconnection, LLC and Potomac-Appalachian Transmission Highline, L.L.C.
E–13	ER10–1350–001	Entergy Services, Inc.
E–14	RC15–1–000	Southern California Edison Company.
E–15	EL10–65–004	Louisiana Public Service Commission v. Entergy Corporation. Entergy Services, Inc. Entergy Louisiana, LLC. Entergy Arkansas, Inc. Entergy Mississippi, Inc. Entergy New Orleans, Inc. Entergy Gulf States Louisiana, L.L.C. Entergy Texas, Inc.
E–16	EL15–94–000	Shell Energy North America (US), L.P. v. California Independent System Operator Corporation.
	GAS	
G–1	RM15–20–000	Five-Year Review of the Oil Pipeline Index.

[1] Attendees may register in advance at the following Web page: *https://www.ferc.gov/whats-new/registration/12-15-15-form.asp.* Advance registration is not required, but is encouraged.

1022ST—MEETING, REGULAR MEETING—Continued

[December 17, 2015, 10 a.m.]

Item No.	Docket No.	Company
	HYDRO	
H–1	P–349–173	Alabama Power Company.
H–2	P–2210–252	Appalachian Power Company.
	CERTIFICATES	
C–1	CP14–119–000	Trunkline Gas Company, LLC.
	CP14–120–000	Lake Charles LNG Export Company, LLC and Lake Charles LNG Company, LLC.
	CP14–122–000	Lake Charles LNG Company, LLC.
C–2	CP15–523–000	American Midstream (Midla), LLC.
C–3	CP14–501–000	National Fuel Gas Supply Corporation.
C–4	CP15–90–000	Texas Eastern Transmission, LP.
C–5	CP15–132–000	Kern River Gas Transmission Company.

A free webcast of this event is available through *www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *www.ferc.gov*'s Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

Issued: December 10, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–31605 Filed 12–11–15; 4:15 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–12–000]

Tennessee Gas Pipeline Company, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Southwest Louisiana Supply Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Southwest Louisiana Supply Project (Project) involving construction and operation of facilities by Tennessee Gas Pipeline Company, L.L.C. (Tennessee) in Madison, Franklin, Richland, and Rapides Parishes, Louisiana. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before January 11, 2016.

If you sent comments on this project to the Commission before the opening of this docket on October 26, 2015, you will need to file those comments in Docket No. CP16–12–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Tennessee provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully

follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP16–12–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Project

The purpose of the Southwest Louisiana Supply Project is to provide 295,000 dekatherms per day of firm natural gas capacity to Tennessee's 800 Line. The Southwest Louisiana Supply Project would consist of construction and modification of the following facilities:

- Construction of a new 2.4-mile-long, 30-inch-diameter lateral pipeline to be known as the Delhi North Lateral and two new meter station interconnects to be known as the Midcontinent Express Pipeline Meter Station (MEP Meter Station) and the Gulf Crossing Pipeline Meter Station (Gulf Crossing Meter Station) in Madison Parish, Louisiana;
- construction of a new 1.4-mile-long-30-inch-diameter lateral pipeline to be known as the Delhi South Latera, three new meter station interconnects to be known as the Enable Midstream Partners Meter Station (Enable Meter Station), the Gulf South Pipeline Meter Station (Gulf South Meter Station), and the Tiger Pipeline Meter Station (Tiger Meter Station) in Franklin and Richland Parishes, Louisiana;
- construction of a new compressor station to be known as the Delhi Compressor Station 836A in Franklin, Parish, Louisiana; and
- modifications at the Alexandria Compressor Station, including turbine replacement in Rapides Parish, Louisiana.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb approximately 108.4 acres of land for the aboveground facilities and the pipeline. Following construction, Tennessee would maintain about 76.5 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries

[1] The appendices referenced in this notice will not appear in the **Federal Register.** Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.*

Additional Information

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 at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP16–12–000). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: December 9, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–31473 Filed 12–14–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR16–7–000]

Chicap Pipe Line Company; Notice Of Petiton For Declaratory Order

Take notice that on December 8, 2015, pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2)(2015), Chicap Pipe Line Company (Chicap) filed a petition requesting a declaratory order approving the overall tariff and rate structure, prorationing provisions, and other terms of service for the expansion of Chicap's existing Blue Island Lateral crude oil pipeline (Project). The Project is intended to increase flow rates and add new bi-directional capability between Blue Island, Illinois to Mokena, Illinois, as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on January 8, 2016.

Dated: December 9, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–31477 Filed 12–14–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2633–022; ER10–2570–022; ER10–2717–022; ER10–3140–021;ER13–55–012.

Applicants: Birchwood Power Partners, L.P., Shady Hills Power Company, L.L.C., EFS Parlin Holdings, LLC, Inland Empire Energy Center, LLC, Homer City Generation, L.P.

Description: Notice of Non-Material Change in Status of the GE Companies.

Filed Date: 12/8/15.

Accession Number: 20151208–5217.

Comments Due: 5 p.m. ET 12/29/15.

Docket Numbers: ER15–192–002.

Applicants: Arizona Public Service Company.

Description: Compliance filing: Service Agreement Nos. 338, 339, 349,

350, 351 and 352 to be effective 11/9/2015.

Filed Date: 12/9/15.

Accession Number: 20151209–5109.

Comments Due: 5 p.m. ET 12/30/15.

Docket Numbers: ER16–483–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Bylaws Section 6.2 Revisions to Expand the Strategic Planning Committee to be effective 2/7/2016.

Filed Date: 12/9/15.

Accession Number: 20151209–5031.

Comments Due: 5 p.m. ET 12/30/15.

Docket Numbers: ER16–484–000.

Applicants: CenterPoint Energy Houston Electric, LLC.

Description: § 205(d) Rate Filing: TFO Tariff Interim Rate Revision to Conform with PUCT-Approved ERCOT Rate to be effective 11/23/2015.

Filed Date: 12/9/15.

Accession Number: 20151209–5041.

Comments Due: 5 p.m. ET 12/30/15.

Docket Numbers: ER16–485–000.

Applicants: Golden Hills Interconnection, LLC.

Description: Baseline eTariff Filing: Golden Hills Interconnection SFA with Golden Hills, and Golden Hills North to be effective 12/10/2015.

Filed Date: 12/9/15.

Accession Number: 20151209–5072.

Comments Due: 5 p.m. ET 12/30/15.

Docket Numbers: ER16–486–000.

Applicants: Credit Suisse Energy, LLC.

Description: Tariff Cancellation: Notice of Cancellation of Market-Based Rate Tariff to be effective 12/31/2015.

Filed Date: 12/9/15.

Accession Number: 20151209–5101.

Comments Due: 5 p.m. ET 12/30/15.

Docket Numbers: ER16–487–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: Transmission Access Charge Balancing Account Adjustment (TACBAA) 2016 to be effective 3/1/2016.

Filed Date: 12/9/15.

Accession Number: 20151209–5105.

Comments Due: 5 p.m. ET 12/30/15.

Docket Numbers: ER16–488–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revise PJM–MISO JOA section 9.4 re: Interregional Market Eff. Project Criteria to be effective 2/8/2016.

Filed Date: 12/9/15.

Accession Number: 20151209–5107.

Comments Due: 5 p.m. ET 12/30/15.

Docket Numbers: ER16–489–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: SA No. 4311, First Revised SA No. 4218 and Cancellation of SA No. 4180 to be effective 11/9/2015.

Filed Date: 12/9/15.

Accession Number: 20151209–5110.

Comments Due: 5 p.m. ET 12/30/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 9, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–31466 Filed 12–14–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR16–5–000]

Buckeye Pipe Line Transportation, LLC; Notice of Petition for Declaratory Order

Take notice that on November 24, 2015, pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2)(2015), Buckeye Pipe Line Transportation, LLC filed a petition requesting a declaratory order approving the overall tariff and rate structure, prorationing provisions, and other terms of service for a new interstate common carrier pipeline (Project). The Project is expected to transport refined petroleum products from Michigan and Ohio, to destination points in Ohio and Pennsylvania and will obtain the additional capacity through the use of underutilized leased capacity, construction of new pipelines and tanks, upgrades to existing pipeline manifolds, replacement of certain mainline pumps, and a reconfiguration of existing pipeline, as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on December 24, 2015.

Dated: December 9, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–31476 Filed 12–14–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9940–04–OA]

Notification of Two Teleconferences and a Face-to-Face Meeting of the Science Advisory Board Economy-Wide Modeling Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces two public teleconferences of the SAB Economy-Wide Modeling Panel. The SAB Staff Office also announces a public face-to-face meeting of the SAB Economy-Wide Modeling Panel.

DATES: The public teleconferences will be held on March 10, 2016 from 3 p.m. to 6 p.m. (Eastern Time) and May 19, 2016 from 1 p.m.–4 p.m. (Eastern Time). The public face-to-face meeting will be held on July 19–20, 2016 from 9 a.m. to 5 p.m. each day (Eastern Time).

ADDRESSES: The teleconferences will be held by telephone only. The face-to-face meeting will take place at George Washington University, Milken Institute School of Public Health, Convening Center A and B, 950 New Hampshire Avenue NW., Washington, DC 20052. The public can view the July 19–20, 2016 face-to-face meeting via a non-interactive, live webcast that will be broadcast on the internet. The connection information to view the webcast will be provided on the meeting Web page at the time of the meeting. The meeting Web page may be found by going to *http://epa.gov/sab* and clicking on the calendar then the meeting date.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding the public teleconferences or public meeting may contact Dr. Holly Stallworth, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564–2073 or via email at *stallworth.holly@epa.gov*. General information concerning the EPA Science Advisory Board can be found at the EPA SAB Web site at *http://epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDAA) codified at 42 U.S.C. 4365, to provide independent scientific and technical peer review, advice, consultation, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. Pursuant to FACA and EPA policy, notice is hereby given that the SAB Economy-Wide Modeling Panel will hold two public teleconferences to discuss its draft responses to charge questions from EPA's National Center for Environmental Economics and the Office of Air and Radiation on the role of economy-wide modeling in generating estimates of social costs and benefits for air regulations at EPA. After holding teleconferences on March 10, 2016 (3 p.m.–6 p.m.) and May 19, 2016 (1 p.m.–4 p.m.) to discuss its draft responses to charge questions on social costs and benefits, the SAB Economy-Wide Modeling Panel will hold a face-to-face meeting on July 19–20, 2016 to deliberate on charge questions on analyzing economic impacts and comparing estimates of social costs, benefits, and economic impacts using economy-wide modeling. Some meeting time at the July 19–20, 2016 meeting may also be devoted to discussion of draft responses to EPA's charge questions on social costs and benefits. The EPA-authored white papers on economic impacts analysis and the comparison of estimates of social costs, benefits and impacts using economy-wide modeling will be provided to the Panel and the public prior to the July 19–20, 2016 face-to-face meeting. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Background information on the SAB Economy-Wide Modeling Panel can be found at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/Economywide%20modeling?OpenDocument.*

Availability of the meeting materials: Agendas, EPA's forthcoming white papers and other meeting materials will be posted on the SAB Web site prior to the teleconferences and face-to-face meeting. To find these materials, go to *http://epa.gov/sab* and click on the calendar and then the respective meeting dates. For questions concerning EPA's review materials on economy-wide modeling, please contact Dr. Ann Wolverton, EPA National Center for Environmental Economics at *wolverton.ann@epa.gov* or 202–566–2278.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments on the topic of this advisory activity, including the charge to the Panel and the EPA review documents, and/or the group conducting the activity, for the SAB to consider during the advisory process. Input from the public to the SAB will have the most impact if it consists of comments that provide specific scientific or technical information or analysis for the SAB panel to consider or if it relates to the clarity or accuracy of the technical information.

Oral Statements: In general, individuals or groups requesting an oral presentation at the will be limited to five minutes per speaker for the face-to-face meeting and three minutes per speaker for the teleconference. Interested parties should contact Dr. Holly Stallworth, DFO, in writing (preferably via email), at the contact information noted above, one week (7 days) prior to the teleconference or face-to-face meeting to be placed on the list of public speakers for that teleconference or meeting.

Written Statements: Written statements should be received in the SAB Staff Office one week (7 days) prior to each meeting or teleconference. Written statements should be supplied to the DFO, preferably in electronic format via email. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Stallworth at the phone number or email address noted above, preferably at least ten days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: December 3, 2015.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2015–31465 Filed 12–14–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2015–0505; FRL 9939–67]

Certain New Chemicals; Receipt and Status Information for October 2015

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from October 1, 2015 to October 30, 2015.

DATES: Comments identified by the specific case number provided in this document, must be received on or before January 14, 2016.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2015–0505, and the specific PMN number or TME number for the chemical related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html*.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Jim Rahai, IMD (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov*.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the actions addressed in this document.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html*.

II. What action is the agency taking?

This document provides receipt and status reports, which cover the period from October 1, 2015 to October 30, 2015, and consists of the PMNs and TMEs both pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. What is the agency's authority for taking this action?

Under TSCA, 15 U.S.C. 2601 *et seq.,* EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm*.

Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems*.

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic reports on the status of new chemicals under review and the receipt of NOCs to manufacture those chemicals.

IV. Receipt and Status Reports

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that the information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

For the 47 PMNs received by EPA during this period, Table 1 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer/importer; the potential uses identified by the manufacturer/importer in the PMN; and the chemical identity.

TABLE 1—PMNS RECEIVED FROM OCTOBER 1, 2015 TO OCTOBER 30, 2015

Case No.	Date received	Projected end date for EPA review	Manufacturer/ importer	Use(s)	Chemical identity
P–15–0769	10/30/2015	1/28/2016	LUNA, Inc	(S) Binder for protective coating	(G) Polyurethane silane.
P–16–0001	10/1/2015	12/30/2015	CBI	(G) Catalyst production of industrial intermediates.	(G) Hydrolytic enzymes.
P–16–0002	10/1/2015	12/30/2015	Allnex USA, Inc ...	(G) Adhesion promoting reactive binder.	(G) Substituted carbomonocycle, polymer with alkanediol, substituted-alkanediol, substituted heteropolycycle and heteropolycycle.
P–16–0003	10/1/2015	12/30/2015	CBI	(G) Catalyst	(G) Metal glycolate complex.
P–16–0004	10/1/2015	12/30/2015	CBI	(G) Catalyst	(G) Metal glycolate complex.
P–16–0005	10/3/2015	1/1/2016	CBI	(G) Pigment formulation additive	(G) Alkyldioic acid, polymer with alkylamine, alkyldiol and 1,3-isobenzofurandione, reaction products with fatty acid.
P–16–0006	10/6/2015	1/4/2016	CBI	(G) Additive used in inks	(G) Alkyl alkenoic acid, polymer with cycloalkyl alkyl alkenoate, substituted alkyl alkenoate, alkyl alkyl alkenoate and substituted alkyl alkenoate.
P–16–0007	10/6/2015	1/4/2016	Huntsman International, LLC.	(S) Foam stabilizer and rheology modifier in dishwashing and car-washing detergents.	(S) Fatty acids, grape seed-oil, esters with polyethylene glycol ether with glycerol (3:1).
P–16–0008	10/6/2015	1/4/2016	Huntsman International, LLC.	(S) Foam stabilizer and rheology modifier in dishwashing and car-washing detergents.	(S) Fatty acids, grape seed-oil, esters with polyethylene glycol ether with glycerol (3:1).
P–16–0009	10/6/2015	1/4/2016	Huntsman International, LLC.	(S) Foam stabilizer and rheology modifier in dishwashing and car-washing detergents.	(S) Fatty acids, castor-oil, esters with polyethylene glycol ether with glycerol (3:1).
P–16–0010	10/6/2015	1/4/2016	Huntsman International, LLC.	(S) Foam stabilizer and rheology modifier in dishwashing and car-washing detergents.	(S) Fatty acids, sunflower-oil, esters with polyethylene glycol ether with glycerol (3:1).
P–16–0011	10/6/2015	1/4/2016	Huntsman International, LLC.	(S) Foam stabilizer and rheology modifier in dishwashing and car-washing detergents.	(S) Fatty acids, hemp seed-oil, esters with polyethylene glycol ether with glycerol (3:1).
P–16–0012	10/6/2015	1/4/2016	Huntsman International, LLC.	(S) Foam stabilizer and rheology modifier in dishwashing and car-washing detergents.	(S) Fatty acids, canola-oil, esters with polyethylene glycol ether with glycerol (3:1).
P–16–0014	10/7/2015	1/5/2016	CBI	(G) Ink additive	(G) Metalloid, tris[dialkylphenyl]-dialkyl-dioxoalkane-carbopolycyclicdisulfonate.
P–16–0017	10/8/2015	1/6/2016	Alcoa, Inc	(S) Blast suppressor for nitrogen based fertilizers.	(G) Mixed metals layered double hydroxide.
P–16–0018	10/9/2015	1/7/2016	CBI	(G) Binders for fibrous materials	(G) Polyethyleneglycol modified polyacrylate, compd. with alcohol amine.
P–16–0019	10/9/2015	1/7/2016	CBI	(G) Binders for fibrous materials	(G) Polyethyleneglycol modified polyacrylate, compd. with alcohol amine.
P–16–0020	10/9/2015	1/7/2016	CBI	(G) Binders for fibrous materials	(G) Polyethyleneglycol modified polyacrylate, compd. with alcohol amine.
P–16–0021	10/9/2015	1/7/2016	CBI	(G) Component of soil improvement product.	(G) Polycarbomonocyclic carboxylic acid polyol, polymer with alkenoate and alkenoic acid.
P–16–0022	10/15/2015	1/13/2016	CBI	(S) Reagent for production of metal salts (carboxylates, for paint and ink dries, UPR promoters, lube/grease additives, fuel additives polymerization catalysts, specialty petrochemicals catalysts, etc.	(S) C10–C20 neo fatty acids.
P–16–0023	10/13/2015	1/11/2016	CBI	(S) Intermediate for epoxy curing agent.	(G) 2-Propenenitrile, reaction products with polyalkylenepolyamine, hydrogenated.
P–16–0024	10/13/2015	1/11/2016	CBI	(G) Precursor for use in the electronics industry.	(G) Silanediamine, N,N,N′,N′-tetraalkyl-.
P–16–0025	10/13/2015	1/11/2016	BASF CORPORATION.	(G) Resin for use in electrocoats	(G) Amine functional epoxy.
P–16–0026	10/13/2015	1/11/2016	BASF CORPORATION.	(G) Resin for use in electrocoats	(G) Amine functional epoxy, organic acid salt.

TABLE 1—PMNS RECEIVED FROM OCTOBER 1, 2015 TO OCTOBER 30, 2015—Continued

Case No.	Date received	Projected end date for EPA review	Manufacturer/ importer	Use(s)	Chemical identity
P–16–0027	10/13/2015	1/11/2016	BASF Corporation	(G) Resin for use in electrocoats	(G) Amine functional epoxy, organic acid salt.
P–16–0028	10/13/2015	1/11/2016	BASF Corporation	(G) Resin for use in electrocoats	(G) Amine functional epoxy, organic acid salt.
P–16–0029	10/14/2015	1/12/2016	CBI	(G) Lubricant additive	(G) 2,5-Furandione, polymer with ethene and 1-propene, amine ether imide.
P–16–0030	10/14/2015	1/12/2016	HENKEL Corporation.	(G) A curing agent in anaerobic adhesive and sealant formulations.	(S) 1,2-cyclohexanedicarboxylic acid, 1-(2-phenylhydrazide).
P–16–0031	10/15/2015	1/13/2016	CBI	(G) The polymeric material will be produced and sold to customers in pellet form, customer will then compound the polymer and impregnate it with various diffusible species.	(G) Oxirane, alkyl hydroxypoly(oxy-1,2-ethanediyl), alkyl bis[4-isocyanatocyclohexane] and oxirane.
P–16–0034	10/16/2015	1/14/2016	CARDOLITE Corporation.	(G) Cashew nutshell liquid based, 100% solids epoxy hardener for water borne epoxy coating formulations.	(G) Cashew nutshell liquid polymer with epichlorhydrin, formaldehyde, phenol, amines and glycol.
P–16–0035	10/16/2015	1/14/2016	CARDOLITE Corporation.	(G) Cashew nutshell liquid based 100% solids epoxy hardener for higher solids epoxy coating formulation.	(G) Cashew nutshell liquid polymer with amine and formaldehyde.
P–16–0036	10/16/2015	1/14/2016	CBI	(G) Reactant used in polymer synthesis.	(G) Substituted heteropolycycle.
P–16–0038	10/19/2015	1/17/2016	Shin Etsu silicones of America.	(G) The composition Incuding the new chemical substance hardens by heating.	(G) Fluorined organopolysiloxane.
P–16–0039	10/20/2015	1/18/2016	CBI	(G) Acrylic pressure sensitive adhesive.	(G) Alkyl acrylate-alkyl acrylamide copolymer.
P–16–0040	10/27/2015	1/25/2016	CBI	(G) Polymer	(G) Tar acids fraction.
P–16–0041	10/21/2015	1/19/2016	CBI	(G) Additive, open, non-dispersive use.	(G) Alkohol alkoxylate.
P–16–0042	10/21/2015	1/19/2016	CBI	(G) Additive, open, non-dispersive use.	(G) Polyammonium salt of a fatty acid.
P–16–0043	10/22/2015	1/20/2016	Akzo Nobel Surface Chemistry, LLC.	(S) Polymeric corrosion inhibitor downhole oil field.	(S) Amines, tallow alkyl, ethoxylated, polymers with adipic acid.
P–16–0044	10/30/2015	1/28/2016	CBI	(G) Industrial coating	(G) Isocyanate functional urethane prepolymer.
P–16–0045	10/23/2015	1/21/2016	CBI	(G) Fertilizer component	(G) Sugar alcohol salt.
P–16–0046	10/28/2015	1/26/2016	CBI	(G) Use in laser marking additives for polyolefines.	(G) Aromatic derivative, polymer with alkyl diol, alkene and oxiranylalkyl-alkyl-alkyl ester.
P–16–0047	10/27/2015	1/25/2016	CBI	(S) Modifier in composites	(G) Aromatic polyimide.
P–16–0047	10/27/2015	1/25/2016	CBI	(S) Parts and shapes process by sintering.	(G) Aromatic polyimide.
P–16–0047	10/27/2015	1/25/2016	CBI	(S) Parts and shapes (compounds)	(G) Aromatic polyimide.
P–16–0047	10/27/2015	1/25/2016	CBI	(S) Filler in thermoplastic or grease	(G) Aromatic polyimide.
P–16–0048	10/27/2015	1/25/2016	CBI	(S) Extrusion of tubing systems	(G) Polyamide 6T/612 polymer of aliphatic/aromatic dicarboxylic acid and alkane diamine.
P–16–0048	10/27/2015	1/25/2016	CBI	(S) Injection molding of special applications.	(G) Polyamide 6T/612 polymer of aliphatic/aromatic dicarboxylic acid and alkane diamine.

For the 38 NOCs received by EPA during this period, Table 2 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the NOC; the date the NOC was received by EPA; the projected date of commencement provided by the submitter in the NOC; and the chemical identity.

TABLE 2—NOCS RECEIVED FROM OCTOBER 1, 2015 TO OCTOBER 30, 2015

Case No.	Date received	Projected date of commencement	Chemical identity
P–08–0029	10/13/2015	9/15/2015	(G) Alkylated phenols.

TABLE 2—NOCS RECEIVED FROM OCTOBER 1, 2015 TO OCTOBER 30, 2015—Continued

Case No.	Date received	Projected date of commencement	Chemical identity
P–11–0178	10/5/2015	9/18/2015	(S) Hexane, 1,6-diisocyanato-, homopolymer, di-Et malonate- and 3,5-dimethyl-1H-pyrazole- blocked.
P–12–0450	10/1/2015	9/14/2015	(G) Partially fluorinated alcohol, reaction products with phosphorus oxide (P2O5), amine salts.
P–13–0781	10/1/2015	9/29/2015	(S) Benzene, (4-bromobutoxy)-.
P–14–0284	10/29/2015	10/3/2015	(G) Magenta dye.
P–14–0333	10/13/2015	10/5/2015	(S) 2-Propenoic acid, heptadecyl ester, branched.
P–14–0483	10/4/2015	9/29/2015	(G) Carbomonocyclic dicarboxylic acid, polymer with diisocyanatoalkane, alkyldiol, alkyldiol, alkanedioic acid, alkanediol, alkenoic acid and 1,3 isobenzofurandione, compd, with aminoalcohol.
P–14–0523	10/9/2015	9/15/2015	(G) Copolymers of perfluorinated and alkyl methacrylates.
P–14–0552	10/28/2015	10/16/2015	(S) Poly(oxy-1,4-butanediyl), .alpha.-hydro-.omega..-hydroxy-, polymer with .alpha.-hydro-.omega.-hydroxypoly(oxy-1,2-ethanediyl) and 1,1'-methylenebis[4-isocyanatocyclohexane].
P–15–0054	10/28/2015	9/30/2015	(G) Carbon nanotubes powder.
P–15–0056	10/20/2015	9/30/2015	(S) Furan, 5-(hexyloxy)tetrahydro-2,2-dimethyl-.
P–15–0076	10/22/2015	10/6/2015	(G) Polyamic acid.
P–15–0077	10/22/2015	10/6/2015	(G) Polyamic acid.
P–15–0078	10/22/2015	10/6/2015	(G) Polyamid acid.
P–15–0254	10/22/2015	10/6/2015	(G) Amic acid.
P–15–0255	10/22/2015	10/6/2015	(G) Polyamic acid.
P–15–0256	10/22/2015	10/6/2015	(G) Polyamic acid.
P–15–0257	10/22/2015	10/6/2015	(G) Polyamic acid.
P–15–0258	10/22/2015	10/6/2015	(G) Polyamic acid.
P–15–0260	10/22/2015	10/6/2015	(G) Polyamic acid.
P–15–0261	10/22/2015	10/6/2015	(G) Polyamid acid.
P–15–0262	10/22/2015	10/6/2015	(G) Polyamic acid.
P–15–0346	10/8/2015	10/2/2015	(G) Polyurethane adduct.
P–15–0393	10/16/2015	9/21/2015	(G) Alkanedioic acid, polymer with alkanediol .alpha.-hydro-.omega.-hydroxypoly[oxy(alkyl)] and alkyl aromatic diisocyanate.
P–15–0492	10/13/2015	9/15/2015	(G) Polymethylsiloxane, distillation residues.
P–15–0507	10/6/2015	10/6/2015	(S) Borate(1-), tetrahydro-, sodium (1:1), reaction products with reduced polymd. oxidized tetrafluoroethylene, hydrolyzed, diallyl ethers, polymers with 2,4,6,8-tetramethylcyclotetrasiloxane, si-(8,13-dioxo-4,7,12-trioxa-9-azapentadec-14–1-yl) derivs.
P–15–0522	10/20/2015	10/15/2015	(G) Metal, phthalocyaninato(2-)-, halogenated.
P–15–0523	10/27/2015	9/30/2015	(G) Carbohydrates, polymer with amine compound.
P–15–0532	10/16/2015	10/2/2015	(G) Substituted alkenoic acid, alkyl ester, polymer with substituted alkenoate and alkenoic acid, alkyl peroxide-initiated.
P–15–0533	10/16/2015	10/2/2015	(G) Substituted heteropolycycle, polymer with substituted alkyldiols, and substituted heteropolycycle, substituted alkanoate.
P–15–0543	10/1/2015	9/18/2015	(G) Phosphoric acid, mixed salt.
P–15–0559	10/20/2015	10/3/2015	(G) Polymeric diphenylmethane diisocyanate prepolymer.
P–15–0566	10/26/2015	9/29/2015	(G) Alkanedioic acid, polymer with substituted carbomonocycles, alkyl substituted alkanediol, substituted alkanoic acid, and substituted alkanediamine, substituted alkanamine-blocked, compds. with alkylamine.
P–15–0588	10/27/2015	10/23/2015	(G) Alkenoic acid, polymer with substituted heteromonocycle, substituted carbomonocycle, 2-alkyl-2-hydroxyalkyl-1,3-alkanediol 1-alkylalkenyl carbomonocycle, alkali metal salt.
P–15–0589	10/27/2015	10/23/2015	(S) 2-Propenoic acid, polymer with 2-(chloromethyl)oxirane, ethenylbenzene, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol and (1-methylethenyl)benzene, potassium sodium salt.
P–15–0598	10/21/2015	10/20/2015	(G) Substituted alkanoic acid, polymer with substituted polypropylene, substituted carbomonocyle, dialkyl carbonate, alkanediol and substituted carbopolycycle, compd. with dialkylamino alkanol.
P–15–0599	10/26/2015	10/23/2015	(G) Hetero substituted alkyl acrylate polymer.
P–15–0600	10/30/2015	10/13/2015	(G) Poly(hydroxyalkanoate).

Authority: 15 U.S.C. 2601 *et seq.*

Dated: December 9, 2015.

Megan J. Carroll,

Acting, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2015–31522 Filed 12–14–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10326, Legacy Bank, Scottsdale, Arizona

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Legacy Bank, Scottsdale, Arizona (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Legacy Bank on January 7, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the

Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: December 10, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–31482 Filed 12–14–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewals; Comment Request (3064–0046, 3064–0113, & 3064–0178)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of existing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on the renewal of the information collections described below.

DATES: Comments must be submitted on or before February 16, 2016.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/*.
- *Email: comments@fdic.gov*. Include the name and number of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, MB–3016 or Manuel E. Cabeza (202.898.3767), Counsel MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper or Manuel E. Cabeza, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently-approved collections of information:

1. *Title:* Home Mortgage Disclosure Act.

OMB Number: 3064–0046.

Affected Public: Insured state nonmember banks.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,575.

Estimated Number of Responses: 1,091,614.

Estimated Time per Response: 5 minutes.

Total Annual Burden: 90,967 hours.

General Description: To permit the FDIC to detect discrimination in residential mortgage lending, certain insured state nonmember banks are required by FDIC Regulation 12 CFR 338 to maintain various data on home loan applicants.

2. *Title:* External Audits.

OMB Number: 3064–0113.

Form Numbers: None.

Frequency of Response: Annually.

Affected Public: All insured financial institutions with total assets of $500 million or more and other insured financial institutions with total assets of less than $500 million that voluntarily choose to comply.

General Description: FDIC's regulations at 12 CFR 363 establish annual independent audit and reporting requirements for financial institutions with total assets of $500 million or more. The requirements include the submission of an annual report on their financial statements, recordkeeping about management deliberations regarding external auditing and reports about changes in auditors. The information collected is used to facilitate early identification of problems in financial management at financial institutions.

Explanation of burden estimates: The estimates of annual burden are based on the estimated burden hours for FDIC-supervised institutions within each asset classification ($1 billion or more, $500 million or more but less than $1 billion, and less than $500 million) to comply with the requirements of Part 363 regarding the annual report, audit committee, other reports, and the notice of change in accountants. The number of respondents reflects the number of FDIC-supervised institutions in each asset classification. The number of annual responses reflects the estimated number of submissions for each asset classification. The annual burden hours reflects the estimated number of hours for FDIC-supervised institutions within each asset classification to comply with the requirements of Part 363.

a. FDIC-Supervised Institutions with Assets of $1 Billion or More.

Number of Respondents: 351.

Annual Responses: 1,141.

Estimated Time per Response: 69.84 hours.

Annual Burden Hours: 79,688 hours.

b. FDIC-Supervised Institutions with Assets of $500 Million or More but Less than $1 Billion.

Number of Respondents: 401.

Annual Responses: 1,303.

Estimated Time per Response: 8.42 hours.

Annual Burden Hours: 10,977 hours.

c. FDIC-Supervised Institutions with Assets Less than $500 Million.

Number of Respondents: 3,291.

Annual Responses: 9,873.

Estimated Time per Response: 15 minutes.

Annual Burden Hours: 2,468 hours.

Total Number of Respondents: 4,043.

Total Annual Responses: 12,317.

Total Annual Burden Hours: 84,026 hours.

3. *Title:* Market Risk Capital Requirements.

OMB Number: 3064–0178.

Form Numbers: None.

Frequency of Response: Occasionally.

Affected Public: Insured state nonmember banks and state savings associations.

Estimated Number of Respondents: 1.

Estimated Number of Responses: 1.

Total Annual Burden: 1,964 hours.

General Description: The FDIC's market risk capital rules (12 CFR part 324, subpart F) enhance risk sensitivity, increase transparency through enhanced disclosures and include requirements for the public disclosure of certain qualitative and quantitative information about the market risk of state nonmember banks and state savings associations (FDIC-supervised institutions). The market risk rule

applies only if a bank holding company or bank has aggregated trading assets and trading liabilities equal to 10 percent or more of quarter-end total assets or $1 billion or more. Currently, only one FDIC-regulated entity meets the criteria. The information collection requirements are located at 12 CFR 324.203 through 324.212. The collection of information is necessary to ensure capital adequacy appropriate for the level of market risk.

Section 324.203(a)(1) requires FDIC-supervised institutions to have clearly defined policies and procedures for determining which trading assets and trading liabilities are trading positions and specifies the factors a FDIC-supervised institutions must take into account in drafting those policies and procedures. Section 324.203(a)(2) requires FDIC-supervised institutions to have clearly defined trading and hedging strategies for trading positions that are approved by senior management and specifies what the strategies must articulate. Section 324.203(b)(1) requires FDIC-supervised institutions to have clearly defined policies and procedures for actively managing all covered positions and specifies the minimum requirements for those policies and procedures. Sections 324.203(c)(4) through 324.203(c)(10) require the annual review of internal models and specify certain requirements for those models. Section 324.203(d) requires the internal audit group of a FDIC-supervised institution to prepare an annual report to the board of directors on the effectiveness of controls supporting the market risk measurement systems.

Section 324.204(b) requires FDIC-supervised institutions to conduct quarterly backtesting. Section 324.205(a)(5) requires institutions to demonstrate to the FDIC the appropriateness of proxies used to capture risks within value-at-risk models. Section 324.205(c) requires institutions to develop, retain, and make available to the FDIC value-at-risk and profit and loss information on sub-portfolios for two years. Section 324.206(b)(3) requires FDIC-supervised institutions to have policies and procedures that describe how they determine the period of significant financial stress used to calculate the institution's stressed value-at-risk models and to obtain prior FDIC approval for any material changes to these policies and procedures.

Section 324.207(b)(1) details requirements applicable to a FDIC-supervised institution when the FDIC-supervised institution uses internal models to measure the specific risk of certain covered positions. Section 324.208 requires FDIC-supervised institutions to obtain prior written FDIC approval for incremental risk modeling. Section 324.209(a) requires prior FDIC approval for the use of a comprehensive risk measure. Section 324.209(c)(2) requires FDIC-supervised institutions to retain and report the results of supervisory stress testing. Section 324.210(f)(2)(i) requires FDIC-supervised institutions to document an internal analysis of the risk characteristics of each securitization position in order to demonstrate an understanding of the position. Section 324.212 requires quarterly quantitative disclosures, annual qualitative disclosures, and a formal disclosure policy approved by the board of directors that addresses the approach for determining the market risk disclosures it makes.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the collections 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 collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 10th day of December 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–31483 Filed 12–14–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Information Collection Revision; Comment Request (3064–0189)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The Federal Deposit Insurance Corporation (''FDIC'') invites the general public and other Federal agencies to take this opportunity to comment on a revision of a continuing information collection, titled, ''Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $50 Billion or More under the Dodd-Frank Wall Street Reform and Consumer Protection Act,'' (3064–0189), as required by the Paperwork Reduction Act of 1995.

DATES: Comments must be received by February 16, 2016.

ADDRESSES: You may submit written comments by any of the following methods:

- *Agency Web site: http://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC Web site.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Comments@FDIC.gov.* Include ''Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $50 Billion or More'' on the subject line of the message.
- *Mail:* Gary A. Kuiper, Legal Division, Attention: Comments, FDIC, 550 17th Street NW., MB–3016, Washington, DC 20429.
- *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.
- *Public Inspection:* All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/* including any personal information provided.

Additionally, you may send a copy of your comments: By mail to the U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503 or by facsimile to 202.395.6974, Attention: Federal Banking Agency Desk Officer.

FOR FURTHER INFORMATION CONTACT: You can request additional information from Gary Kuiper, 202.898.3877, or Manny Cabeza, 202.898.3767, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., MB–3016 Washington, DC 20429. In addition, copies of the templates referenced in this notice can be found on the FDIC's Web site (*http://www.fdic.gov/regulations/laws/federal/*).

SUPPLEMENTARY INFORMATION: The FDIC is requesting comment on the following changes to the information collection:

Title: Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $50 Billion or More under the Dodd-Frank

Wall Street Reform and Consumer Protection Act.

OMB Control Number: 3064–0189.

Description: Section 165(i)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act [1] (''Dodd-Frank Act'') requires certain financial companies, including state nonmember banks and state savings associations, to conduct annual stress tests [2] and requires the primary financial regulatory agency [3] of those financial companies to issue regulations implementing the stress test requirements.[4] A state nonmember bank or state savings association is a ''covered bank'' and therefore subject to the stress test requirements if its total consolidated assets are more than $10 billion. Under section 165(i)(2), a covered bank is required to submit to the Board of Governors of the Federal Reserve System (''Board'') and to its primary financial regulatory agency a report at such time, in such form, and containing such information as the primary financial regulatory agency shall require.[5]

On October 15, 2012, the FDIC published in the **Federal Register** a final rule implementing the section 165(i)(2) annual stress test requirement.[6] The final rule requires covered banks to meet specific reporting requirements under section 165(i)(2). In 2012, the FDIC first implemented the reporting templates for covered banks with total consolidated assets of $50 billion or more and provided instructions for completing the reports.[7] This information collection notice describes revisions by the FDIC to the relevant reporting templates and related instructions, as well as required information. The information contained in these information collections may be given confidential treatment to the extent allowed by law (5 U.S.C. 552(b)(4)).

Consistent with past practice, the FDIC intends to use the data collected to assess the reasonableness of the stress test results of covered banks and to provide forward-looking information to the FDIC regarding a covered institution's capital adequacy. The FDIC also may use the results of the stress tests to determine whether additional analytical techniques and exercises could be appropriate to identify, measure, and monitor risks at the covered bank. The stress test results are expected to support ongoing improvement in a covered bank's stress testing practices with respect to its internal assessments of capital adequacy and overall capital planning.

The FDIC recognizes that many covered banks with total consolidated assets of $50 billion or more are required to submit reports using the Board's Comprehensive Capital Analysis and Review (''CCAR'') reporting form, FR Y–14A. The FDIC also recognizes the Board has modified the FR Y–14A, and the FDIC will keep its reporting requirements as similar as possible with the Board's FR Y–14A in order to minimize burden on affected institutions. Therefore, the FDIC is revising its reporting requirements to remain consistent with the Board's FR Y–14A for covered banks with total consolidated assets of $50 billion or more.

Proposed Revisions to Reporting Templates for Institutions With $50 Billion or More in Assets; Other Reporting Template and Instruction Changes

The proposed revisions to the DFAST–14A reporting templates consist of clarifying instructions, adding data items, deleting data items, and redefining existing data items. The proposed revisions also include a shift of the as-of date in accordance with modifications to the FDIC's stress testing rule.[8] These revisions also reflect the implementation of the final Basel III regulatory capital rule. On July 9, 2013, the FDIC approved an interim final rule that will revise and replace the FDIC's risk-based and leverage capital requirements to be consistent with agreements reached by the Basel Committee on Banking Supervision in ''Basel III: A Global Regulatory Framework for More Resilient Banks and Banking Systems'' (Basel III).[9] The final rule was published in the **Federal Register** on April 14, 2014 (''Revised Capital Framework'').[10] The revisions include implementation of a new definition of regulatory capital, a new common equity tier 1 minimum capital requirement, a higher minimum tier 1 capital requirement, and, for banking organizations subject to the Advanced Approaches capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator measure. In addition, the rule will amend the methodologies for determining risk weighted assets. All banking organizations that are not subject to the Advanced Approaches Rule were required to comply with the Revised Capital Framework, as of January 1, 2015.

The proposed changes would (1) increase consistency between the DFAST–14A with the FR Y–14A, CALL Report, FFIEC 101, and FFIEC 102; (2) remove the requirement to calculate tier 1 common capital and the tier 1 common ratio; and (3) shift the as-of dates by one quarter in accordance with the modifications to the stress test rules. Furthermore, the FDIC understands that the Board is currently collecting information for the Summary Schedule via XML technology, and the FDIC would use a similar format to enhance consistency and reduce regulatory burden. Technical details on these forms would be provided separately.

Schedule A (Summary)—A.1.c.1 (General RWA)

This schedule would be removed in accordance with the proposed revisions to eliminate use of the tier 1 common ratio, *effective for the 2016 DFAST submission.*

Schedule A (Summary)—Revisions to Schedule A.1.c.2 (Standardized RWA)

This schedule would be modified to increase consistency with the FFIEC 102. Specifically, the items of the existing market risk-weighted asset portion would be replaced with the appropriate items from the FFIEC 102. *These changes would be effective for the 2017 DFAST submission.*

Schedule A (Summary)—Revisions to Schedule A.1.d (Capital)

The FDIC proposes removing certain items related to tier 1 common capital, *effective for the 2016 DFAST submission.* Additionally, the FDIC proposes adding one item that captures the aggregate non-significant investments in the capital of unconsolidated financial institutions in the form of common stock and breaking out two items related to deferred tax assets into the amount before valuation allowances and the associated valuation allowance. The additional information from these changes would result in two existing items converting to derived items based on the additional information.

[1] Public Law 111–203, 124 Stat. 1376 (July 21, 2010).

[2] 12 U.S.C. 5365(i)(2)(A).

[3] 12 U.S.C. 5301(12).

[4] 12 U.S.C. 5365(i)(2)(C).

[5] 12 U.S.C. 5365(i)(2)(B).

[6] 77 FR 62417(October 15, 2012).

[7] 77 FR 52719 (August 30, 2012) and 77 FR 70435 (November 26, 2012). The most recent revisions to the reporting templates and related instructions were made in 2014. *See* 79 FR 58780 (September 30, 2014) and 79 FR 75152 (December 17, 2014)

[8] *See* 79 FR 69365 (November 21, 2014).

[9] 78 FR 55340 (September 10, 2013).

[10] 79 FR 20754 (April 14, 2014).

Schedule A (Summary)—Revisions to Schedule A.2.b (Retail Repurchase)

This schedule would be removed to reduce reporting burden, *effective for the 2017 DFAST submission.*

Schedule A (Summary)—Deletion of Schedule A.2.c (ASC 310–30)

This schedule would be removed to reduce reporting burden, *effective for the 2017 DFAST submission.*

Schedule A (Summary)—Revisions to Schedule A.7.c (PPNR Metrics)

In order to fully align the schedule with the stress scenarios, the beta information would be collected according to the scenario instead of the current ''normal environment'' requirement, *effective for the 2016 DFAST submission.*

Counterparty Credit Risk Schedule

This schedule would be removed to reduce reporting burden *effective for the 2016 DFAST submission.* Aggregate counterparty credit risk information will continue to be obtained through the Summary Schedule (Schedule A).

Burden Estimates

The FDIC estimates the burden of this collection as follows:

Current

Number of Respondents: 4.
Annual Burden per Respondent: 1,040.
Total Annual Burden: 4,160.

Proposed

Estimated Number of Respondents: 4.
Annual Burden per Respondent: 1,114.
Estimated Total Annual Burden: 4,456 hours.

The FDIC recognizes that the Board has estimated 71,709 hours for bank holding companies to prepare the Summary, Macro scenario, Operational risk, Regulatory capital transitions, and Regulatory capital instruments for the FR Y–14A. The FDIC believes that the systems covered institutions use to prepare the FR Y–14A reporting templates will also be used to prepare the reporting templates described in this notice. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the FDIC, including whether the information has practical utility;

(b) The accuracy of the FDIC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated at Washington, DC, this 10th day of December.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–31492 Filed 12–14–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the notices must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 8, 2016.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. *New York Community Bancorp, Inc.,* Westbury, New York; to acquire 100 percent of the voting shares of Astoria Financial Corporation, Lake Success, New York, and indirectly acquire Astoria Bank, Long Island City, New York, and thereby engage in extending credit and servicing loans, and in operating a savings association, pursuant to sections 225.28 (b)(1) and (b)(4)(ii).

Board of Governors of the Federal Reserve System, December 10, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–31491 Filed 12–14–15; 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 8, 2016.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *CapStar Financial Holdings, Inc.,* Nashville, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of CapStar Bank, Nashville, Tennessee.

Board of Governors of the Federal Reserve System, December 10, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–31490 Filed 12–14–15; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–MG–2015–06; Docket No. 2015–0002; Sequence No. 7]

Office of Federal High-Performance Green Buildings; Green Building Advisory Committee; Notification of Upcoming Conference Calls

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Meeting notice.

SUMMARY: Notice of these conference calls is being provided according to the requirements of the Federal Advisory Committee Act. This notice provides the schedule for a series of conference calls, supplemented by Web meetings, for two task groups of the Green Building Advisory Committee. The conference calls are open for the public to listen in. Interested individuals must register to attend as instructed below under Supplementary Information.

DATES: *Task group conference call dates:* The conference calls will be held according to the following alternating schedule:

The *Energy Use Index* task group will hold biweekly conference calls on Wednesdays beginning January 13, 2016, through April 20, 2016, from 3:00 p.m. to 4:00 p.m. Eastern Daylight Time (EDT).

The *Portfolio Prioritization* task group will hold biweekly conference calls on Wednesdays beginning January 20, 2016 through April 27, 2016, from 3:00 p.m. to 4:00 p.m. Eastern Daylight Time (EDT).

FOR FURTHER INFORMATION CONTACT: Mr. Ken Sandler, Designated Federal Officer, Office of Federal High-Performance Green Buildings, Office of Government-wide Policy, General Services Administration, 1800 F Street NW., Washington, DC 20405, telephone 202–219–1121 (note: this is not a toll-free number). Additional information about the Committee, including meeting materials and updates on the task groups and their schedules, will be available on-line at *http://www.gsa.gov/gbac.*

SUPPLEMENTARY INFORMATION:

Procedures for Attendance: Contact Mr. Ken Sandler at *ken.sandler@gsa.gov* to register to listen in to any or all of these conference calls. To attend the conference calls, submit your full name, organization, email address, and phone number. Requests to listen in to the calls must be received by 5:00 p.m. Eastern Daylight Time (EDT), on Friday, January 9, 2016. (GSA will be unable to provide technical assistance to any listener experiencing technical difficulties. Testing access to the Web meeting site in advance of calls is recommended.)

Background: The Administrator of the U.S. General Services Administration established the Green Building Advisory Committee with a notice published in the **Federal Register** at 76 FR 35894, on June 20, 2011, pursuant to Section 494 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17123). Under this authority, the Committee advises GSA on the rapid transformation of the Federal building portfolio to sustainable technologies and practices. The Committee reviews strategic plans, products and activities of the Office of Federal High-Performance Green Buildings, and provides advice regarding how the Office can accomplish its mission most effectively.

The *Portfolio Prioritization* task group will continue to pursue the motion of a committee member to ''propose a process for Federal agencies to consistently incorporate green building and resilience requirements into their capital investment criteria and strategies.'' The *Energy Use Index* task group will continue to pursue the motion of a committee member to ''develop guidelines for creating a new energy intensity metric [to reflect impacts of] densified facilities, centrally located workplace sites . . . and expansion of telework and hoteling.''

The conference calls will focus on how the task groups can best refine these motions into consensus recommendations from each group to the full Committee, which will in turn decide whether to proceed with formal advice to GSA based upon these recommendations. Additional background information and updates will be posted on GSA's Web site at *http://www.gsa.gov/gbac.*

Kevin Kampschroer,

Federal Director, Office of Federal High-Performance Green Buildings, General Services Administration.

[FR Doc. 2015–31485 Filed 12–14–15; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–0288]

Premarket Studies of Implantable Minimally Invasive Glaucoma Surgical Devices; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the guidance entitled ''Premarket Studies of Implantable Minimally Invasive Glaucoma Surgical (MIGS) Devices.'' This leapfrog guidance document was developed to notify manufacturers of the recommended non-clinical and clinical studies to support a premarket approval application (PMA) for implantable MIGS devices.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–D–0288 for ''Premarket Studies of Implantable Minimally Invasive Glaucoma Surgical (MIGS) Devices.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions:* To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Premarket Studies of Implantable Minimally Invasive Glaucoma Surgical (MIGS) Devices'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Michelle Tarver, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2504, Silver Spring, MD 20993–0002, 301–796–5620.

SUPPLEMENTARY INFORMATION:

I. Background

This guidance document recommends non-clinical and clinical studies to support a PMA for implantable MIGS devices. Glaucoma is a progressive condition that damages the optic nerve of the eye, is associated with elevated intraocular pressure, and leads to irreversible vision loss. It is the second leading cause of visual disability and blindness in the world, with 1 in 40 adults over 40 years of age suffering from glaucoma having some visual loss. Current surgical treatments are aimed at reducing intraocular pressure and often reserved for moderate to severe disease. During the past decade, novel medical devices, called MIGS devices, have emerged. These devices are designed to treat less severe glaucoma by enhancing physiological aqueous outflow with an approach that causes minimal ocular trauma.

In the **Federal Register** of February 11, 2015 (80 FR 7614), FDA announced the availability of the draft of this guidance. Interested persons were invited to comment by May 12, 2015. FDA received and considered 12 sets of public comments and revised the guidance, where applicable. Multiple comments were received regarding the definition of glaucoma and the inclusion of pre-perimetric glaucoma. Based on discussion at the ''FDA/American Glaucoma Society Workshop on Supporting Innovation for Safe and Effective Minimally Invasive Glaucoma Surgery,'' February 26, 2014, we do not believe that pre-perimetric glaucoma (*i.e.,* optical coherence tomography changes and optic nerve changes without any field abnormalities) should be included in these interventional studies because there are differing opinions amongst experts about whether this condition warrants surgical treatment. This guidance is a leapfrog guidance; leapfrog guidances are intended to serve as a mechanism by which the Agency can share initial thoughts regarding the content of premarket submissions for emerging technologies and new clinical applications that are likely to be of public health importance very early in product development, generally before FDA has even received any such submissions. This leapfrog guidance represents the Agency's initial thinking and our recommendations may change as more information becomes available. The current recommendations are designed to provide a conservative approach to protection of human subjects.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Premarket Studies of Implantable Minimally Invasive Glaucoma Surgical (MIGS) Devices.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.* Persons unable to download an electronic copy of ''Premarket Studies of Implantable Minimally Invasive Glaucoma Surgical (MIGS) Devices'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document

number 1400049 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

The guidance document ''Premarket Studies of Implantable Minimally Invasive Glaucoma Surgical (MIGS) Devices'' refers to previously approved information collections found in FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 814, subparts B and E are approved under OMB control number 0910–0231 and the collections of information in the guidance document entitled ''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff'' are approved under OMB control number 0910–0756.

Dated: December 8, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–31407 Filed 12–14–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–4561]

Head Lice Infestation: Developing Drugs for Topical Treatment; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Head Lice Infestation: Developing Drugs for Topical Treatment.'' The purpose of this draft guidance is to assist sponsors in the clinical development of drugs for the treatment of head lice infestation. This draft guidance addresses the Agency's current thinking regarding the overall development program and clinical trial designs of drugs to support approval of an indication for topical treatment of head lice infestation. The information presented will help sponsors plan clinical trials, design clinical protocols, and conduct and appropriately monitor clinical trials.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by March 14, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions)*: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–D–4561 for ''Head Lice Infestation: Developing Drugs for Topical Treatment; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions:* To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Bldg., 4th Floor, Silver Spring, MD 20993. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Strother D. Dixon, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5168,

Silver Spring, MD 20993–0002, 301–796–1015.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Head Lice Infestation: Developing Drugs for Topical Treatment.'' The purpose of this draft guidance is to assist sponsors in the clinical development of drugs for the treatment of head lice infestation. This draft guidance addresses the Agency's current thinking regarding the overall development program and clinical trial designs of drugs to support approval of an indication for topical treatment of head lice infestation. The information presented will help sponsors plan clinical trials, design clinical protocols, and conduct and appropriately monitor clinical trials.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on developing drugs for the topical treatment of head lice infestation. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively. The collections of information for prescription drug product labeling in 21 CFR 201.56 and 201.57 have been approved under OMB control number 0910–0572.

III. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: December 8, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–31406 Filed 12–14–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–0873]

Agency Information Collection Activities; Proposed Collection; Comment Request; Bar Code Label Requirement for Human Drug and Biological Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the bar code label requirements for human drug and biological products.

DATES: Submit either electronic or written comments on the collection of information by February 16, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2012–N–0873 for ''Agency Information Collection Activities: Proposed Collection; Comment Request; Bar Code Label Requirement for Human Drug and Biological Products''. Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION''. The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520) Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA' s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Bar Code Label Requirement for Human Drug and Biological Products OMB Control Number 0910–0537—Extension

In the **Federal Register** of February 26, 2004 (69 FR 9120), we issued a final rule that required human drug product and biological product labels to have bar codes. The rule required bar codes on most human prescription drug products and on over-the-counter (OTC) drug products that are dispensed pursuant to an order and commonly used in health care facilities. The rule also required machine-readable information on blood and blood components. For human prescription drug products and OTC drug products that are dispensed pursuant to an order and commonly used in health care facilities, the bar code must contain the NDC number for the product. For blood and blood components, the rule specifies the minimum contents of the machine-readable information in a format approved by the Center for Biologics Evaluation and Research Director as blood centers have generally agreed upon the information to be encoded on the label. The rule is intended to help reduce the number of medication errors in hospitals and other health care settings by allowing health care professionals to use bar code scanning equipment to verify that the right drug (in the right dose and right route of administration) is being given to the right patient at the right time.

Most of the information collection burden resulting from the final rule, as calculated in table 1 of the final rule (69 FR at 9149), was a one-time burden that does not occur after the rule's compliance date of April 26, 2006. In addition, some of the information collection burden estimated in the final rule is now covered in other OMB approved information collection packages for FDA. However, parties may continue to seek an exemption from the bar code requirement under certain, limited circumstances. Section 201.25(d) (21 CFR 201.25(d)) requires submission of a written request for an exemption and describes the contents of such requests. Based on the number of exemption requests we have received, we estimate that approximately 2 exemption requests may be submitted annually, and that each exemption request will require 24 hours to complete. This would result in an annual reporting burden of 48 hours.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
201.25(d)	2	1	2	24	48

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: December 7, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–31402 Filed 12–14–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–E–1694]

Determination of Regulatory Review Period for Purposes of Patent Extension; Trivascular Ovation Abdominal Stent Graft System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for TRIVASCULAR OVATION ABDOMINAL STENT GRAFT SYSTEM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic

or written comments and ask for a redetermination by February 16, 2016. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by June 13, 2016. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2013–E–1694 for Determination of Regulatory Review Period for Purposes of Patent Extension; TRIVASCULAR OVATION ABDOMINAL STENT GRAFT SYSTEM. Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION''. The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device, TRIVASCULAR OVATION ABDOMINAL STENT GRAFT SYSTEM. TRIVASCULAR OVATION ABDOMINAL STENT GRAFT SYSTEM is indicated for the treatment of patients with abdominal aortic aneurysms having vascular morphology suitable for endovascular repair. Subsequent to this approval, the USPTO received a patent term restoration application for TRIVASCULAR OVATION ABDOMINAL STENT GRAFT SYSTEM (U.S. Patent No. 6,395,019) from TriVascular, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated March 20, 2014, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of TRIVASCULAR OVATION ABDOMINAL STENT GRAFT SYSTEM represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for TRIVASCULAR OVATION ABDOMINAL STENT GRAFT SYSTEM

is 3,607 days. Of this time, 3,429 days occurred during the testing phase of the regulatory review period, while 178 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* November 22, 2002. The applicant claims that the investigational device exemption (IDE) required under section 520(g) of the FD&C Act for human tests to begin became effective on October 24, 2002. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to have begun on November 22, 2002, which represents the IDE effective date.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* April 11, 2012. FDA has verified the applicant's claim that the premarket approval application (PMA) for TRIVASCULAR OVATION ABDOMINAL STENT GRAFT SYSTEM (PMA P120006) was initially submitted April 11, 2012.

3. *The date the application was approved:* October 5, 2012. FDA has verified the applicant's claim that PMA P120006 was approved on October 5, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,802 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and ask for a redetermination (see DATES). Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must be timely (see DATES) and contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 8, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–31397 Filed 12–14–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–E–0182]

Determination of Regulatory Review Period for Purposes of Patent Extension; VIZAMYL

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for VIZAMYL and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by February 16, 2016. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by June 13, 2016. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2014–E–0182 for Determination of Regulatory Review Period for Purposes of Patent Extension; VIZAMYL. Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION''. The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both

copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product VIZAMYL (flumetamol F18 injection). VIZAMYL is a radioactive diagnostic agent indicated for Positron Emission Tomography imaging of the brain to estimate β amyloid neuritic plaque density in adult patients with cognitive impairment who are being evaluated for Alzheimer's disease or other causes of cognitive decline. Subsequent to this approval, the USPTO received a patent term restoration application for VIZAMYL (U.S. Patent No. 7,270,800) from GE Healthcare Limited, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated March 27, 2014, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of VIZAMYL represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for VIZAMYL is 1,541 days. Of this time, 1,176 days occurred during the testing phase of the regulatory review period, while 365 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* August 8, 2009. FDA has verified the applicant's claim that the date the investigational new drug application (IND) became effective was on August 8, 2009.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* October 26, 2012. FDA has verified the applicant's claim that the new drug application (NDA) for VIZAMYL (NDA 203137) was initially submitted on October 26, 2012.

3. *The date the application was approved:* October 25, 2013. FDA has verified the applicant's claim that NDA 203137 was approved on October 25, 2013.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 951 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and ask for a redetermination (see **DATES**). Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must be timely (see **DATES**) and contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 8, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–31401 Filed 12–14–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–4462]

Point of Care Prothrombin Time/International Normalized Ratio Devices for Monitoring Warfarin Therapy; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following public workshop entitled

''Point of Care Prothrombin Time/International Normalized Ratio Devices for Monitoring Warfarin Therapy.'' The purpose of this workshop is to discuss and receive input from stakeholders regarding approaches to the analytical and clinical validation of point of care (POC) Prothrombin Time/International Normalized Ratio (PT/INR) in vitro diagnostic devices for improved clinical management of warfarin therapy in addition to describing the FDA's process for facilitating the development of safe and effective POC and patient self-testing PT/INR devices. The goal of the workshop is to seek and identify potential solutions to address the scientific and regulatory challenges associated with POC PT/INR devices to ensure safety and effectiveness.

DATES: The public workshop will be held on January 25, 2016, from 8 a.m. to 5 p.m. Submit either electronic or written comments on the public workshop by February 25, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–N–4462 for ''Point of Care Prothrombin Time/International Normalized Ratio Devices for Monitoring Warfarin Therapy.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, rm. 1503 (the Great Room), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to: *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: Rachel Goehe, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave, Bldg. 66, Rm. 5533, Silver Spring, MD 20993, 240–402–6565, email: *Rachel.Goehe@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Warfarin, an oral vitamin K antagonist, is a commonly prescribed anticoagulant drug used to reduce the risk of thromboembolic events. Warfarin inhibits the synthesis of clotting factors II, VII, IX, and X, in addition to the naturally occurring endogenous anticoagulant proteins C and S. The response of individual patients to warfarin is highly variable because of factors such as diet, age, and interaction with other drugs. As a consequence, it is important that warfarin dosage be tailored individually to maintain clinical benefit. The PT test is used to determine a patient's clotting time, which the Clinical and Laboratory Standards Institute defines as the time in seconds required for a fibrin clot to form in a plasma sample after tissue thromboplastin and an optimal amount of calcium chloride have been added to the sample. It is well-recognized that a PT result obtained with one test system cannot be compared to a PT result obtained with another test system because of the variety of thromboplastins used in different test systems. Therefore, PT test results are converted into a standardized unit known as the INR, which was adopted by the World Health Organization with the intent to reduce intersystem variation in test results. The INR result is used to monitor patients' response to warfarin.

POC PT/INR devices offer an alternative to laboratory-based testing and venipuncture, enabling a rapid INR determination from a finger stick sample of whole blood. POC devices can be

used in a variety of settings including, but not limited to, physician's office laboratory, anti-coagulation clinic, patient bedside, hospital emergency department, and prescription home use. The purpose of POC PT/INR testing is to monitor warfarin and to provide immediate information to physicians about the patient's anticoagulation status so that this information can be integrated into appropriate treatment decisions that can improve patient outcomes. POC PT/INR testing is increasingly being viewed as a testing modality with performance expectations similar to that of traditional laboratory testing. From a regulatory standpoint, POC PT/INR devices have been reviewed and cleared for prescription use under appropriate professional supervision or prescription home use (patient self-testing), depending on the claimed intended use. For this workshop, both settings will be open for discussion.

II. Topics for Discussion at the Public Workshop

This public workshop will consist of presentations covering the topics listed in this document. Following the presentations, there will be a moderated panel discussion where participants will be asked to provide their perspectives. The workshop panel discussion will focus on identifying potential solutions to address the scientific and regulatory challenges associated with POC PT/INR devices. In advance of the meeting, FDA plans to post a discussion paper outlining FDA's current thinking on the various topics mentioned in the following list, and invite comment on this from the community.

Topics to be discussed at the public workshop include, but are not limited to, the following:

- Current regulatory process involved with the clearance of POC PT/INR devices.
- Current benefit/risk balance of POC PT/INR devices.
- Technological differences amongst marketed POC PT/INR devices, advantages and limitations of each technology, and comparability of test results obtained using different technologies.
- Challenges associated with correlating results from whole blood POC PT/INR devices to conventional plasma-based laboratory tests.
- Appropriate study design for validation and usability studies from the perspectives of the Agency, manufacturers and end users to help improve our understanding of the accuracy, reliability and safety of POC PT/INR devices.
- Types of quality control and the test system elements assessed by the controls.
- Challenges associated with different sample matrices (venous, fingerstick, arterial).

Registration: Registration is free and available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by 4 p.m., January 15, 2016. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. If time and space permits, onsite registration on the day of the public workshop will be provided beginning at 7 a.m.

If you need special accommodations due to a disability, please contact Susan Monahan, Center for Devices and Radiological Health, Office of Communication and Education, 301–796–5661, email: *Susan.Monahan@fda.hhs.gov* no later than January 11, 2016.

To register for the public workshop, please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.) Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone number. Those without Internet access should contact Susan Monahan (contact for special accommodations) to register. Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

Streaming Webcast of the Public Workshop: This public workshop will also be Webcast. The Webcast link will be available on the workshop Web page after January 18, 2016. Please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.) If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (see **ADDRESSES**). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. The Freedom of Information office address is available on the Agency's Web site at *http://www.fda.gov.* A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list).

Dated: December 7, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–31404 Filed 12–14–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–E–1575]

Determination of Regulatory Review Period for Purposes of Patent Extension; RAXIBACUMAB

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for RAXIBACUMAB and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by February 16, 2016. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by June 13, 2016. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2013–E–1575 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; RAXIBACUMAB''. Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION''. The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential''. Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product RAXIBACUMAB (raxibacumab). RAXIBACUMAB is indicated for treatment of adult and pediatric patients with inhalational anthrax due to *Bacillus anthracis* in combination with appropriate antibacterial drugs, and for prophylaxis of inhalational anthrax when alternative therapies are not available or are not appropriate. Subsequent to this approval, the USPTO received a patent term restoration application for RAXIBACUMAB (U.S. Patent No. 7,906,119) from Human Genome Sciences, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated January 31, 2014, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of RAXIBACUMAB represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for RAXIBACUMAB is 3,465 days. Of this time, 2,154 days occurred during the testing phase of the regulatory review period, while 1,311 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i))*

became effective: June 22, 2003. The applicant claims July 18, 2003, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was June 22, 2003, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262*): May 14, 2009. The applicant claims June 15, 2012, as the date the biologics license application (BLA) for RAXIBACUMAB (BLA 125349/0) was initially submitted. However, FDA records indicate that BLA 125349/0 was submitted on May 14, 2009.

3. *The date the application was approved:* December 14, 2012. FDA has verified the applicant's claim that BLA 125349/0 was approved on December 14, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 412 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and ask for a redetermination (see **DATES**). Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must be timely (see **DATES**) and contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 7, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–31400 Filed 12–14–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1143]

Use of Nucleic Acid Tests To Reduce the Risk of Transmission of West Nile Virus From Living Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft document entitled ''Use of Nucleic Acid Tests to Reduce the Risk of Transmission of West Nile Virus from Living Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps); Draft Guidance for Industry.'' The draft guidance document provides establishments that make donor eligibility determinations for donors of HCT/Ps with recommendations for testing living donors for West Nile Virus (WNV). The draft guidance recommends the use of an FDA-licensed nucleic acid test (NAT) to test living donors of HCT/Ps for evidence of infection with WNV. The guidance does not provide recommendations regarding testing of cadaveric HCT/P donors for WNV. The draft guidance replaces the draft guidance entitled ''Draft Guidance for Industry: Use of Nucleic Acid Tests to Reduce the Risk of Transmission of West Nile Virus from Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)'' dated October 2013. The donor testing recommendations in the draft guidance, when finalized, will supplement the donor screening recommendations for WNV (which will remain in place) and supersede the ''West Nile Virus (WNV)'' section in Appendix 6 of the guidance entitled ''Guidance for Industry: Eligibility Determination for Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)'' dated August 2007 (2007 Donor Eligibility Guidance).

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by March 14, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2013–D–1143 for ''Use of Nucleic Acid Tests to Reduce the Risk of Transmission of West Nile Virus from Living Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps); Draft Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential

Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Jonathan McKnight, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Use of Nucleic Acid Tests to Reduce the Risk of Transmission of West Nile Virus From Living Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps); Draft Guidance for Industry.'' The draft guidance document provides establishments that make donor eligibility determinations for donors of HCT/Ps with recommendations for testing living donors for WNV. The draft guidance recommends an FDA-licensed NAT to test living donors of HCT/Ps for evidence of infection with WNV. The guidance does not provide recommendations regarding testing of cadaveric HCT/P donors for WNV. FDA believes that the use of an FDA-licensed NAT will reduce the risk of transmission of WNV from living donors of HCT/Ps and therefore recommends that you use an FDA-licensed NAT for testing living donors of HCT/Ps for infection with WNV. The 2007 Donor Eligibility Guidance indicated that FDA may recommend routine use of an appropriate, licensed donor screening test(s) to detect acute infections with WNV using NAT technology, once such tests were available.

In the **Federal Register** of October 24, 2013 (78 FR 63476), FDA announced the availability of the draft guidance entitled ''Draft Guidance for Industry: Use of Nucleic Acid Tests to Reduce the Risk of Transmission of West Nile Virus from Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)'' dated October 2013 (October 2013 draft guidance). FDA received several comments on the draft guidance and those comments were considered as this draft guidance was developed.

In the **Federal Register** of February 28, 2007 (72 FR 9007), FDA announced the availability of the 2007 Donor Eligibility Guidance. FDA issued a revised version of this guidance under the same title, dated August 2007 (2007 Donor Eligibility Guidance).

The draft guidance announced in this notice replaces the October 2013 draft guidance and when finalized, will supplement sections IV.E. (recommendations 15 and 16), IV.F. (recommendation 5), and supersede the ''West Nile Virus (WNV)'' section in Appendix 6 of the 2007 Donor Eligibility Guidance.

The draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Use of Nucleic Acid Tests to Reduce the Risk of Transmission of West Nile Virus from Living Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps); Draft Guidance for Industry.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: December 8, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–31405 Filed 12–14–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[OMB Control Number 0917–0034]

Request for Public Comment: 30-Day Proposed Information Collection: Indian Health Service (IHS) Sharing What Works—Best Practice, Promising Practice, and Local Effort (BPPPLE) Form

AGENCY: Indian Health Service, HHS.

ACTION: Notice; correction.

SUMMARY: The Indian Health Service published a 30 day **Federal Register** notice in the **Federal Register** (FR) on November 17, 2015 (80 FR 71813) to solicit comments from the general public on the information collection titled, ''Indian Health Service (IHS) Sharing What Works—Best Practice, Promising Practice, and Local Effort (BPPPLE) Form,'' Office of Management and Budget (OMB) Control Number 0917–0034. The notice was submitted before the 60 day FR notice comment period for the same information collection ends on December 8, 2015. Therefore, the correct date for the deadline to submit comments regarding the 30 day FR notice is January 9, 2016.

ADDRESSES: *Direct Your Comments to OMB:* Send your comments and suggestions regarding the proposed information collection contained in this notice, especially regarding the estimated public burden and associated response time to: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for IHS.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Tamara Clay by one of the following methods:

- *Mail:* Tamara Clay, Information Collection Clearance Officer, Indian Health Service, Office of Management Services, Division of Regulatory Affairs, 5600 Fishers Lane, Rockville, Mail Stop 09E70, MD 20857.
- *Phone:* 301–443–4750.
- *Email: Tamara.Clay@ihs.gov.*

SUPPLEMENTARY INFORMATION:

Corrections

In the **Federal Register** of November 17, in FR Doc. 2015–29251, on page 71814, in the middle column, under the heading *Comment Due Date,* the due date is corrected to read as January 9, 2016.

Dated: December 4, 2015.

Robert G. McSwain,

Principal Deputy Director, Indian Health Service.

[FR Doc. 2015–31534 Filed 12–14–15; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Clinical Trial Implementation Cooperative Agreement (U01).

Date: January 22, 2016.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Amstad, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G41, NIAID/NIH/DHHS, 5601 Fishers Lane, Bethesda, MD 20892–7616, 240–669–5067, *pamstad@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Investigator Initiated Program Project Applications (P01).

Date: January 22, 2016.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Amstad, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G41, NIAID/NIH/DHHS, 5601 Fishers Lane, Bethesda, MD 20892–7616, 240–669–5067, *pamstad@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 9, 2015.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–31434 Filed 12–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: January 28, 2016.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 4H100, 5601 Fishers Lane, Rockville, MD 20892, (Virtual Meeting).

Contact Person: Amir Emanuel Zeituni, Ph.D., Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9834, Rockville, MD 20852, 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 9, 2015.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–31435 Filed 12–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; The Impact of Clinical Research Training and Medical Education at the Clinical Center on Physician Careers in Academia and Clinical Research (CC)

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Clinical Center, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

To Submit Comments and for Further Information: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic,

mechanical, or other technological collection techniques or other forms of information technology. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Robert M. Lembo, MD, Office of Clinical Research Training and Medical Education, NIH Clinical Center, National Institutes of Health, 10 Center Drive, Room 1N252C, Bethesda, MD 20892–1158, or call non-toll-free number (301) 496–2636, or Email your request, including your address to: *robert.lembo@nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: The Impact of Clinical Research Training and Medical Education at the Clinical Center on Physician Careers in Academia and Clinical Research, Revision OMB#0925–0602 Expiration Date: 3/31/16, Clinical Center (CC), National Institutes of Health (NIH).

Need and Use of Information Collection: The information collected will allow continued assessment of the value of the training provided by the Office of Clinical Research Training and Medical Education (OCRTME) at the NIH Clinical Center and the extent to which this training promotes (a) patient safety; (b) research productivity and independence; and (c) future career development within clinical, translational, and academic research settings. The information received from respondents is presented to, evaluated by, and incorporated into the ongoing operational improvement efforts of the Director of the Office of Clinical Research Training and Education, and the Clinical Center Director. This information will enable the ongoing operational improvement efforts of the OCRTME and its commitment to providing clinical research training and medical education of the highest quality to each trainee.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours: 320.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Doctoral Level	515	1	20/60	172
Students	415	1	20/60	138
Other	30	1	20/60	10

Dated: December 7, 2015.

Laura Lee,

Project Clearance Liaison, Warren Grant Magnuson Clinical Center, National Institutes of Health.

[FR Doc. 2015–31631 Filed 12–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meetings

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of meetings of the AIDS Research Advisory Committee, NIAID.

The meetings will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: AIDS Research Advisory Committee, NIAID.

Date: January 25, 2016.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: Reports from the Division Director and other staff.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1/E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Mark A. Mueller, Executive Secretary, AIDS Research Advisory Committee Division of AIDS, NIAID/NIH, 5601 Fishers Lane, RM 8D39 Bethesda, MD 20892, 301–402–2308, *mark.mueller@nih.gov*.

Name of Committee: AIDS Research Advisory Committee, NIAID.

Date: June 6, 2016.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: Reports from the Division Director and other staff.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1/E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Mark A. Mueller, Executive Secretary, AIDS Research Advisory Committee, Division of AIDS, NIAID/NIH, 5601 Fishers Lane, RM 8D39 Bethesda, MD 20892, 301–402–2308, *mark.mueller@nih.gov*.

Name of Committee: AIDS Research Advisory Committee, NIAID.

Date: September 12, 2016.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: Reports from the Division Director and other staff.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1/E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Mark A. Mueller, Executive Secretary, AIDS Research Advisory Committee, Division of AIDS, NIAID/NIH, 5601 Fishers Lane, Rm 8D39 Bethesda, MD 20892, 301–402–2308, *mark.mueller@nih.gov*.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 8, 2015.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–31436 Filed 12–14–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4245–DR; Docket ID FEMA–2015–0002]

Texas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Texas (FEMA–4245–DR), dated November 25, 2015, and related determinations.

DATES: *Effective Date:* November 25, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated November 25, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Texas resulting from severe storms, tornadoes, straight-line winds, and flooding during the period of October 22–31, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Texas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kevin L. Hannes, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Texas have been designated as adversely affected by this major disaster:

Bastrop, Brazoria, Caldwell, Comal, Galveston, Guadalupe, Hardin, Harris, Hays, Hidalgo, Liberty, Navarro, Travis, Willacy, and Wilson Counties for Individual Assistance.

All areas within the State of Texas are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–31535 Filed 12–14–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Request for Applicants for Appointment to the Board of Visitors for the National Fire Academy.

SUMMARY: The National Fire Academy (Academy) is requesting individuals who are interested in serving on the Board of Visitors for the National Fire Academy (Board) to apply for appointment as identified in this notice. Pursuant to the *Federal Fire Prevention and Control Act of 1974,* the Board shall review annually the programs of the Academy and shall make recommendations to the Administrator, Federal Emergency Management Agency (FEMA), through the United State Fire Administrator, regarding the operation of the Academy and any improvements that the Board deems appropriate. The Board is composed of eight (8) members, all of whom are experts and leaders in the fields of fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management, which includes emergency medical services. The Academy seeks to appoint individuals to three (3) positions on the Board that will be open due to term expiration. If other positions are vacated during the application process, candidates may be selected from the pool of applicants to fill the vacated positions.

DATES: Applications will be accepted until 11:59 p.m. EST January 14, 2016.

ADDRESSES: The preferred method of submission is via email. However, applications may also be submitted by fax or mail. Please only submit by ONE of the following methods:

- *Email: Ruth.MacPhail@fema.dhs.gov.*
- *Fax:* 301–447–1834.
- *Mail:* National Fire Academy, U.S. Fire Administration, Attention: Ruth MacPhail, 16825 South Seton Avenue, Emmitsburg, Maryland 21727–8998.

FOR FURTHER INFORMATION CONTACT: Kirby Kiefer, Alternate Designated Federal Officer, National Fire Academy, 16825 South Seton Avenue, Emmitsburg, Maryland 21727–8998; telephone 301–447–1117; and email *Kirby.Kiefer@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Board is an advisory committee established in accordance with the provision of the *Federal Advisory Committee Act* (FACA), 5 U.S.C. Appendix. The purpose of the Board is to review annually the programs of the Academy and advise the FEMA Administrator on the operation of the Academy and any improvements therein that the Board deems appropriate. In carrying out its responsibilities, the Board examines Academy programs to determine whether these programs further the basic missions that are approved by the FEMA Administrator, examines the physical plant of the Academy to determine the adequacy of the Academy's facilities, and examines the funding levels for NFA programs. The Board submits a written annual report through the United States Fire Administrator to the FEMA Administrator. The report provides detailed comments and recommendations regarding the operation of the Academy.

Individuals who are interested in serving on the Board are invited to apply for consideration for appointment. There is no application form; however, a current resume will be required. Incomplete applications will not be considered. The appointment shall be for a term of up to three years. Individuals selected for appointment shall serve as Special Government Employees (SGEs), defined in section 202(a) of title 18, United States Code. Candidates selected for appointment will be required to complete a Confidential Financial Disclosure Form (Office of Government Ethics (OGE) Form 450).

The Board shall meet as often as needed to fulfill its mission, but not less than twice each fiscal year to address its objectives and duties. The Board will meet in person at least once each fiscal year with additional meetings held via teleconference. Board members may be reimbursed for travel and per diem incurred in the performance of their duties as members of the Board. All travel for Board business must be approved in advance by the Designated Federal Officer. To the extent practical, Board members shall serve on any subcommittee that is established.

FEMA does not discriminate in employment on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. FEMA strives to achieve a diverse candidate pool for all its recruitment actions.

Current DHS and FEMA employees, FEMA Disaster Assistance Employees, FEMA Reservists, and DHS and FEMA contractors and potential contractors will not be considered for membership. Federally registered lobbyists will not be considered for SGE appointments.

Dated: December 4, 2015.

Kirby E. Kiefer,

Acting Superintendent, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2015–31533 Filed 12–14–15; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4192–DR; Docket ID FEMA–2015–0002]

American Samoa; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Territory of American Samoa (FEMA–4192–DR), dated September 10, 2014, and related determinations.

DATES: Effective Date: November 24, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that special cost sharing arrangements are warranted regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). Therefore, consistent with 48 U.S.C. 1469a(d), pertaining to insular areas, and the President's declaration letter dated September 10, 2014, Federal funds for the Hazard Mitigation Grant Program are authorized at 100 percent of total eligible costs for the Territory of American Samoa. This cost share is effective as of the date of the President's major disaster declaration.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–31536 Filed 12–14–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2004–19515]

Intent To Request Renewal From OMB of One Current Public Collection of Information: Air Cargo Security Requirements

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), OMB control number 1652–0040, abstracted below that we will submit to the Office of Management and Budget (OMB) for a revision in compliance with the Paperwork Reduction Act. The ICR describes the nature of the information collection and its expected burden. This ICR involves three broad categories of affected populations operating under a security program: Aircraft operators, foreign air carriers, and indirect air carriers. The collections of information that make up this ICR include security programs, security threat assessments (STA) on certain individuals, known shipper data via the Known Shipper Management System (KSMS), Indirect Air Carrier Management System (IACMS), and evidence of compliance recordkeeping. TSA seeks continued OMB approval in order to secure passenger aircraft carrying cargo as authorized in the Aviation and Transportation Security Act.

DATES: Send your comments by February 16, 2016.

ADDRESSES: Comments may be emailed to *TSAPRA@dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0040 Air Cargo Security requirements, 49 CFR parts 1515, 1540, 1542, 1544, 1546, and 1548. The Aviation and Transportation Security Act (ATSA), requires TSA: (1)

To provide for screening of all property, including U.S. mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft; and (2) to establish a system to screen, inspect, report, or otherwise ensure the security of all cargo that is to be transported in all-cargo aircraft as soon as practicable. See ATSA sec. 110 as codified at 49 U.S.C. 44901(a) and (f). These provisions were further amended by the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), to require 50 percent of cargo transported on passenger aircraft be screened by February 2009, and 100 percent of such cargo to be screened by August 2010. See 9/11 Act sec. 1602(a) as codified at 49 U.S.C. 44901(g). Collections of information associated with the 9/11 Act requirements fall under OMB control number 1652–0053.

TSA must proceed with this ICR in order to meet the Congressional mandates and continue to enforce current TSA regulations covering the acceptance, handling, and screening of cargo transported by air. The uninterrupted collection of this information will allow TSA to continue to ensure implementation of these vital security measures for the protection of the traveling public. TSA also is revising the collection to include information select regulated entities operating under certain amendments to their aircraft operator and foreign air carrier security programs must provide to TSA detailing screening volumes and the methodology utilized to arrive at these volumes, as well as demonstrating progress toward full compliance with the cargo security measures specified in such amendments.

Data Collection

This information collection requires the ''regulated entities,'' which includes aircraft operators, foreign air carriers, and indirect air carriers (IACs), to collect certain information as part of the implementation of a standard security program, to submit modifications to the standard security program to TSA for approval, and update such programs as necessary. As part of these security programs, the regulated entities must also collect personal information and submit such information to TSA so that TSA may conduct STAs on individuals with unescorted access to cargo. This includes each individual who is a general partner, officer, or director of an IAC or an applicant to be an IAC, and certain owners of an IAC or an applicant to be an IAC; and any individual who has responsibility for screening cargo under 49 CFR parts 1544, 1546, or 1548.

Further, both companies and individuals whom aircraft operators, foreign air carriers, and IACs have qualified to ship cargo on passenger aircraft, also referred to as ''known shippers,'' must submit information to TSA, This information is collected electronically through the KSMS. In accordance with TSA security program requirements, regulated entities may use an alternate manual submission method to identify known shippers.

Regulated entities must also enter into IACMS the information required from applicants requesting to be approved as IACs in accordance with 49 CFR 1548.7 and the information required for their IAC annual renewal. Regulated entities must also maintain records, including records pertaining to security programs, training, and compliance to demonstrate adherence with the regulatory requirements. These records must be made available to TSA upon request. The forms used in this collection of information include the Aviation Security Known Shipper Verification Form and the Security Threat Assessment Application.

Finally, select regulated entities operating under certain amendments to their aircraft operator and foreign air carrier security programs must provide information detailing screening volumes and the methodology utilized to arrive at these volumes, as well as demonstrating progress toward full compliance with the cargo security measures specified in such amendments. In light of current security threats, the collection of this information is critical.

Estimated Burden Hours

TSA estimates the hour burden for regulated entities associated with initial application of security programs via IACMS to be 4 hours for each of 340 average annual new entrants for an average annual hour burden of 1360 hours.

For the STA requirement, based on a 15-minute estimate for each of the average 98,500 annual responses, TSA estimates that the average annual burden will be 24,625 hours.

For the KSMS, given that the IAC or aircraft operator must input a name, address, and telephone number, TSA estimates it will take 2 minutes for the 476,167 electronic submissions for a total annual burden of 15,872 hours. Also for KSMS, TSA estimates it will take one hour for the 8,000 manual submissions for a total annual burden of 8,000 hours.

TSA estimates the hour burden associated with the security program renewals via IACMS to be 4 hours for each of the 4,100 IACs for an average annual hour burden of 16,400 hours. TSA estimates one percent of IACs (41) will file an appeal of rejected or incomplete renewals at 5 hours per appeal for an average annual hour burden of 205 hours.

For the record keeping requirement, based on a 5-minute estimate for each of the 98,500 annual responses, TSA estimates that the total average annual burden will be 8,208 hours.

For the cargo screening reports to be submitted by select aircraft operators and foreign air carriers operating under amendments to their security programs, TSA estimates that 10 air carriers will compile the required cargo screening information at an estimated time of one hour each per week with estimated annual burden of 520 hours (10×52).

Dated: December 9, 2015.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2015–31410 Filed 12–14–15; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–61]

30-Day Notice of Proposed Information Collection: Housing Choice Voucher Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* January 14, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at

Colette.Pollard@hud.gov or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on September 21, 2015 at 80 FR 57012.

A. Overview of Information Collection

Title of Information Collection: Housing Choice Voucher (HCV) Program.

OMB Approval Number: 2577–0169.

Type of Request: Revision of currently approved collection with changes that include portability paperwork, inclusion of the information or briefing packet, and testing a new inspection protocol for HCV units.

Form Numbers: HUD–52515, HUD–52667, HUD–52580, HUD–52580–A, HUD–52517, HUD–52646, HUD–52665, HUD–52641, HUD–52641–A, HUD 52642, HUD 52649, HUD 52531A and B, HUD 52530A, HUD 52530B, HUD 52530C, HUD 52578B. Please note that form HUD–52665 (Family Portability Information) has been revised to Incorporate changes in the *HCV Program; Streamlining the Portability Process, Final Rule* published in the **Federal Register** on August 20, 2015. No burden hours were added.

Description of the need for the information and proposed use: Public Housing Agencies (PHA) will prepare an application for funding which specifies the number of units requested, as well as the PHA's objectives and plans for administering the HCV program. The application is reviewed by HUD Headquarters and HUD Field Offices and ranked according to the PHA's administrative capability, the need for housing assistance, and other factors specified in a notice of funding availability. The PHAs must establish a utility allowance schedule for all utilities and other services. Units must be inspected using HUD-prescribed forms to determine if the units meet the housing quality standards (HQS) of the HCV program. In addition, HUD will be testing an alternative protocol for conducting housing inspections at up to 250 PHAs, using HUD-provided software. The alternative protocol is intended to standardize inspections between PHAs and create a more objective list of unit deficiencies for inspectors to use. The amount of time it takes PHAs to perform the inspection using the existing set of standards and protocols and to perform the inspection under alternative inspection protocol is equivalent; therefore there is no increase in burden hours.

After the family is issued a HCV to search for a unit pursuant to attending a briefing and receiving an information packet, the family must complete and submit to the PHA a Request for Tenancy Approval when it finds a unit which is suitable for its needs. Initial PHAs will use a standardized form to submit portability information to the receiving PHA who will also use the form for monthly portability billing. PHAs and owners will enter into housing assistance payments (HAP) contract each providing information on rents, payments, certifications, notifications, and owner agreement in a form acceptable to the PHA. A tenancy addendum is included in the HAP contract as well as incorporated in the lease between the owner and the family. Families that participate in the Homeownership option will execute a statement regarding their responsibilities and execute contracts of sale including an additional contract of sale for new construction units. PHAs participating in the project-based voucher (PBV) program will enter into Agreements with developing owners, HAP contracts with the existing and New Construction/Rehabilitation owners, Statement of Family Responsibility with the family and a lease addendum will be provided for execution between the family and the owner.

Respondents (*i.e.* affected public): State and Local Governments, businesses or other non-profits.

Estimated Number of Respondents: 2,224 PHAs.

Estimated Number of Responses: 3,304,737.

Frequency of Response: Varies by form.

Average Hours per Response: .48 hours.

Total Estimated Burdens Hours: 1,589,124 .

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
	2,224	Varies	3,304,737	.48	1,589,124	$20	$31,782,480
Total	2,224	Varies	3,304,737	.48	1,589,124	$20	$31,782,480

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: December 9, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–31506 Filed 12–14–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–63]

30-Day Notice of Proposed Information Collection: Contractor's Requisition-Project Mortgages

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* January 14, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on October 02, 2015 at 80 FR 59808.

A. Overview of Information Collection

Title of Information Collection: Contractor's Requisition-Project Mortgages.

OMB Approval Number: 2502–0028.

Type of Request: Extension of currently approved collection.

Form Numbers: HUD–92448.

Description of the need for the information and proposed use: Contractor's submit a monthly application for distribution of insured mortgage proceeds for construction costs. Multifamily Hub Centers ensure that the work is actually completed satisfactory.

Respondents (*i.e.* affected public): Businesses or other for-profits.

Estimated Number of Respondents: 1,325.

Estimated Number of Responses: 15,900.

Frequency of Response: 12.

Average Hours per Response: 6.

Total Estimated Burdens Hours: 95,400.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: December 9, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–31508 Filed 12–14–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5837–N–05]

60-Day Notice of Proposed Information Collection: Statutorily-Mandated Collection of Information for Tenants in LIHTC Properties

AGENCY: Office of the Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* February 16, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Statutorily-Mandated Collection of Information for Tenants in LIHTC Properties.

OMB Approval Number: 2528–0165.

Type of Request: Revision.

Form Number: HUD–52695 (HUD LIHTC Database Data Collection Form); HUD–52697 (HUD LIHTC Tenant Data Collection Form).

Description of the need for the information and proposed use: Section 2835(d) of the Housing and Economic Recovery Act, or HERA, (Pub. L. 110–289, approved July 30, 2008) amends Title I of the U.S. Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (1937 Act) to add a new section 36 (codified as 42

U.S.C. 1437z–8) that requires each state agency administering tax credits under section 42 of the Internal Revenue Code of 1986 (low-income housing tax credits or LIHTC) to furnish HUD, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the U.S. Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency.

New section 36 requires HUD to establish standards and definitions for the information to be collected by state agencies and to provide states with technical assistance in establishing systems to compile and submit such information and, in coordination with other federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs. In 2010, OMB approved the first collection instrument used for the collection of LIHTC household information (expiration date 05/31/2013). HUD used the previously approved form to collect data on LIHTC tenants in 2010, 2011 and 2012. The form was approved with minor changes in 2013 with an expiration of 6/30/2016. Renewal of this form is required for HUD to remain in compliance with the statute.

Respondents: State and local LIHTC administering agencies.

Estimated Number of Respondents: 59.

Estimated Number of Responses: 118.

Frequency of Response: Annual.

Average Hours per Response: 48.

Total Estimated Burdens: 2,832 hours.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
52695 (Tenant)	59	1	1	40	2360	$34.02	$80,287
52697 (Property)	59	1	1	8	472	34.02	16,057
Total	.....	.....	.....	48	2,832	.....	96,344

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: December 8, 2015.

Katherine M. O'Regan,

Assistant Secretary for Policy Development and Research.

[FR Doc. 2015–31505 Filed 12–14–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–62]

30-Day Notice of Proposed Information Collection: Application for Rural Capacity Building for Community Development and Affordable Housing NOFA

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* January 14, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on October 02, 2015 at 80 FR 59807.

A. Overview of Information Collection

Title of Information Collection: Application for Rural Capacity Building for Community Development and Affordable Housing NOFA.

OMB Approval Number: 2506–0195.

Type of Request: Extension of currently approved collection.

Form Numbers: N/A.

Description of the need for the information and proposed use: The Rural Capacity Building for Community Development and Affordable Housing (RCB) program and the funding made available have been authorized by the Annual Appropriations Acts each year since Fiscal Year 2012. The competitive funds are awarded to national not-for-profit organizations through a Notice of Funding Availability (NOFA) to carry out eligible activities related to community development and affordable housing projects and programs. Applicants are required to submit certain information as part of their application for assistance. Without this

information, it would be impossible to determine which applicants were eligible for award.

Respondents (*i.e.* affected public): National organizations with expertise in rural housing and community development, including experience working with rural housing development organizations, community development corporations (CDCs), community housing development organizations (CHDOs), local governments, and Indian tribes.

Estimated Number of Respondents: 30.

Estimated Number of Responses: 1.

Frequency of Response: Annual.

Average Hours per Response: 40.

Total Estimated Burdens Hours: 1200 hours.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Total	30	1	1	40	1200	$45	$54,000

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: December 9, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–31507 Filed 12–14–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[167A2100DD/AAKC001030/ A0A501010.999900 253G]

HEARTH Act Approval of Gila River Indian Community Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On November 20, 2015, the Bureau of Indian Affairs (BIA) approved the Gila River Indian Community leasing regulations under the HEARTH Act. With this approval, the Tribe is authorized to enter into the following types of leases without BIA approval: Commercial leases and solar resource leases.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, MS–4642–MIB, 1849 C Street NW., Washington, DC 20240, at (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH (Helping Expedite and Advance Responsible Tribal Homeownership) Act of 2012 (the Act) makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior. The Act also authorizes Tribes to enter into leases for residential, recreational, religious, or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department's leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Gila River Indian Community.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 77 FR 72447 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 465, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 465 preempts state taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* No. 14–14524, *13–*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing

regulations, 77 FR 72447, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Just like BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* Guidance for the Approval of Tribal Leasing Regulations under the HEARTH Act, NPM–TRUS–29 (effective Jan. 16, 2013) (providing guidance on Federal review process to ensure consistency of proposed Tribal regulations with Part 162 regulations and listing required Tribal regulatory provisions). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Gila River Indian Community.

Dated: November 20, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–31565 Filed 12–14–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[166D1114PD DPD000000.000000 DS62100000 DX.62101]

Renewal of Information Collection for: OMB Control Number—1093–0005—Payments in Lieu of Taxes (PILT) Act, Statement of Federal Lands Payments, (43 CFR 44)

AGENCY: Office of the Secretary, Office of Budget, Department of the Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Budget, Office of the Secretary, and Department of the Interior (DOI), announces the proposed extension of a public information collection required by the Payments in Lieu of Taxes (PILT) Act and seeks public comments on the provisions thereof. In compliance with the Paperwork Reduction Act of 1995, the Office of Budget has submitted a request for renewal of approval of this information collection to the Office of Management and Budget (OMB), and requests public comments on this submission.

DATES: OMB has up to 60 days to approve or disapprove the information collection request, but may respond after 30 days; therefore, public comments should be submitted to OMB by January 14, 2016, in order to be assured of consideration.

ADDRESSES: Send your written comments by facsimile (202) 395–5806 or email (*OIRA_Submission@omb.eop.gov*) to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer (1093–0005). Also, please send a copy of your comments to the U.S. Department of the Interior, Office of the Secretary, Office of Budget, Attn. Dionna Kiernan, 1849 C St. NW., MS 7413 MIB, Washington, DC 20240. Send any faxed comments to (202) 219–2849, Attn. Dionna Kiernan. Comments may also be emailed to *dionna_kiernan@ios.doi.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument should be directed to the U.S. Department of the Interior, Office of the Secretary, Office of Budget, Attn. Dionna Kiernan, 1849 C St. NW., MS 7413 MIB, Washington, DC 20240. Requests for additional information may also be emailed to *dionna_kiernan@ios.doi.gov* or faxed to (202) 219–2849. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Public Law 97–258 (31 U.S.C. 6901–6907), as amended, the Payments in Lieu of Taxes (PILT) Act, was designed by Congress to help local governments recover some of the expenses they incur in providing services on public lands. These local governments receive funds under various Federal land payment programs such as the National Forest Revenue Act, the Mineral Lands Leasing Act, and the Taylor Grazing Act. PILT payments supplement the payments local governments receive under these other programs. The FY 2016 budget proposes a one-year extension of the current PILT program, maintaining the existing formula for calculating payments to counties. That proposal is currently pending before Congress. This renewal authority is being done in anticipation of reauthorization by Congress.

The PILT Act requires the Governor of each State to furnish the Department of the Interior with a listing of payments disbursed to local governments by the States on behalf of the Federal Government under 12 statutes described in Section 6903 of 31 U.S.C. The Department of the Interior uses the amounts reported by the States to

reduce PILT payments to units of general local governments from that which they might otherwise receive. If such listings were not furnished by the Governor of each affected State, the Department would not be able to compute the PILT payments to units of general local government within the States in question.

In fiscal year 2004, administrative authority for the PILT program was transferred from the Bureau of Land Management to the Office of the Secretary of the Department of the Interior. Applicable DOI regulations pertaining to the PILT program to be administered by the Office of the Secretary were published as a final rule in the **Federal Register** on December 7, 2004 (69 FR 70557). The Office of Budget, Office of the Secretary is now planning to extend the information collection approval authority in order to enable the Department of the Interior to continue to comply with the PILT Act.

II. Data

(1) Title: *Payments in Lieu of Taxes (PILT) Act, Statement of Federal Lands Payments, (43 CFR 44).*

OMB Control Number: 1093–0005.

Current Expiration Date: 12/31/2015.

Type of Review: Extension without change of a currently approved collection.

Affected Entities: State Governments.

Estimated annual number of responses: 45.

Frequency of response: Annually.

Obligation to Respond: Required to obtain or retain a benefit.

(2) Annual reporting and record keeping burden.

Total Annual Reporting per Respondent: 46 hours.

Total Annual Burden Hours: 2,070 hours.

(3) Description of the need and use of the information: The statutorily required information is needed to compute payments due units of general local government under the PILT Act (31 U.S.C. 6901–6907). The Act requires the Governor of each State to furnish a statement as to amounts paid to units of general local government under 12 revenue-sharing statutes in the prior fiscal year. The FY 2016 budget proposes a one-year extension of the current PILT program, maintaining the existing formula for calculating payments to counties. That proposal is currently pending before Congress. This renewal authority is being done in anticipation of reauthorization by Congress.

(4) As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on the information collection was published on August 12, 2015 (80 FR 48334). No comments were received. This notice provides the public with an additional 30 days in which to comment on the proposed information collection activity.

III. Request for Comments

The Department of the Interior invites comments on:

(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 the burden of the collection and 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 collection techniques or other forms of information technology.

''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

It is our policy to make all comments available to the public for review. Before including Personally Identifiable Information (PII), such as your address, phone number, email address, or other personal information in your comment(s), you should be aware your entire comment (including PII) may be made available to the public at any time. While you may ask us in your comment to withhold PII from public view, we cannot guarantee we will be able to do so.

If you wish to view any comments received, you may do so by scheduling an appointment via the contact information provided in the **ADDRESSES** section. A valid picture identification is required for entry into the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: December 8, 2015.

Olivia B. Ferriter,

Deputy Assistant Secretary, Budget, Finance, Performance, and Acquisition.

[FR Doc. 2015–31446 Filed 12–14–15; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO35000.L14300000.ES0000]

Renewal of Approved Information Collection

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-day notice and request for comments.

SUMMARY: The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) to continue the collection of information from applicants for land for recreation or public purposes. The Office of Management and Budget (OMB) previously approved this information collection activity, and assigned it control number 1004–0012.

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. For maximum consideration, written comments should be received on or before January 14, 2016.

ADDRESSES: Please submit comments directly to the Desk Officer for the Department of the Interior, OMB ID: 1004–0012, Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202–395–5806, or by electronic mail at *OIRA_submission@omb.eop.gov.* Please provide a copy of your comments to the BLM. You may do so via mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: To Jean Sonneman at 202–245–0050.

Electronic mail: *Jean_Sonneman@blm.gov.*

Please indicate ''Attn: 1004–0012'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Flora Bell, at 202–912–7347. Persons

who use a telecommunication device for the deaf may call the Federal Information Relay Service at 1–800–877–8339, to leave a message for Ms. Bell. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide 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. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)).

As required at 5 CFR 1320.8(d), the BLM published a 60-day notice in the **Federal Register** on June 16, 2015 (80 FR 34454), and the comment period ended August 17, 2015. The BLM received no comments. The BLM now requests comments on the following subjects:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Please send comments as directed under **ADDRESSES** and **DATES**. Please refer to OMB control number 1004–0012 in your correspondence. 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.

The following information pertains to this request:

Title: Application for Land for Recreation or Public Purposes (43 CFR 2740 and 2912).

Form: 2740–1, Application for Land for Recreation or Public Purposes.

OMB Control Number: 1004–0012.

Abstract: The Bureau of Land Management (BLM) uses the information collection to decide whether or not to lease or sell certain public lands to applicants under the Recreation and Public Purposes Act, 43 U.S.C. 869 to 869–4. The Act authorizes the Secretary of the Interior to lease or sell, for recreational or public purposes, certain public lands to State, Territory, county, and local governments; nonprofit corporations; and nonprofit associations.

Frequency: On occasion.

Description of Respondents: State, Territory, country and local governments; nonprofit associations; and nonprofit corporations.

Estimated Number of Responses Annually: 23.

Estimated Reporting and Recordkeeping ''Hour'' Burden Annually: 920 hours (40 hours per application).

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden Annually: $2,300 ($100 per application).

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2015–31524 Filed 12–14–15; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–CONC–19591; PPWOBSADC0, PPMVSCS1Y.Y00000]

Notice of Extension of Concession Contracts

AGENCY: National Park Service, Interior.

ACTION: Public Notice.

SUMMARY: The National Park Service hereby gives public notice that it proposes to extend the following expiring concession contracts for a period of up to one (1) year, or until the effective date of a new contract, whichever occurs sooner.

DATES: Effective January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Brian Borda, Chief, Commercial Services Program, National Park Service, 1201 Eye Street NW., 11th Floor, Washington, DC 20005, Telephone: 202–513–7156.

SUPPLEMENTARY INFORMATION: All of the listed concession authorizations will expire by their terms on or before December 31, 2015. The National Park Service has determined the proposed short-term extensions are necessary to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. The publication of this notice merely reflects the intent of the National Park Service but does not bind the National Park Service to extend any of the contracts listed below.

CONCID	Concessioner	Park unit
NACE005–08	Golf Course Specialist, Inc.	National Mall and Memorial Parks.
ACAD010–04	National Park Tours and Transport, Inc	Acadia National Park.
ACAD011–04	Oli's Trolley	Acadia National Park.
COLO007–05	The Association for the Preservations of Virginia Antiquities.	Colonial National Historical Park.
FIIS007–05	Fire Island Concessions, LLC	Fire Island National Seashore.
GATE017–03	JEN Marine Development LLC	Gateway National Recreation Area.
GATE020–04	Global Golf Services, Inc.	Gateway National Recreation Area.
NERO001–05	Eastern National	Northeast Region, National Park Service.
SAHI001–05	The Theodore Roosevelt Association	Sagamore Hill National Historic Site.
BUIS006–06	TERORO II, Inc.	Buck Island Reef National Monument.
BUIS008–06	Llewellyn's Charter, Inc.	Buck Island Reef National Monument.
BUIS014–06	Michael Klein	Buck Island Reef National Monument.
BUIS019–06	Dragon Fly	Buck Island Reef National Monument.
GRSM007–08	Elizabeth Burns Cook	Great Smoky Mountains National Park.
VIIS008–05	CBI Acquisitions, LLC	Virgin Islands National Park.

CONCID	Concessioner	Park unit
APIS001–06	David Strzok	Apostle Islands National Lakeshore.
BUFF001–06	Buffalo Point Concession	Buffalo National River.
HOSP001–04	Hot Springs Advertising and Promotion Commission	Hot Springs National Park.
MORU001–05	Xanterra Parks & Resorts, Inc.	Mount Rushmore National Memorial.
OZAR002–05	George Eugene and Eleanor Maggard	Ozark National Scenic Riverways.
OZAR005–05	George Eugene and Eleanor Maggard	Ozark National Scenic Riverways.
OZAR007–05	Joe and Darlene Devall	Ozark National Scenic Riverways.
OZAR008–05	George Eugene and Eleanor Maggard	Ozark National Scenic Riverways.
OZAR010–05	River Run Canoe & Tube Rental	Ozark National Scenic Riverways.
OZAR013–05	Yellow Paddle Adventures, LLC	Ozark National Scenic Riverways.
OZAR014–05	C & R Boating Company, Inc.	Ozark National Scenic Riverways.
OZAR020–05	Darrel Blackwell	Ozark National Scenic Riverways.
OZAR023–05	The Landing Canoe Rental	Ozark National Scenic Riverways.
OZAR024–05	Tom and Della Bedell	Ozark National Scenic Riverways.
OZAR025–05	The Landing and Rosecliff Lodge	Ozark National Scenic Riverways.
OZAR028–05	Jack and Lois Peters	Ozark National Scenic Riverways.
OZAR036–05	George Eugene and Eleanor Maggard	Ozark National Scenic Riverways.
OZAR049–05	The Landing and Rosecliff Lodge	Ozark National Scenic Riverways.
OZAR050–05	John Kladiva	Ozark National Scenic Riverways.
CANY001–05	Adventure Bound, Inc.	Canyonlands National Park.
CANY002–05	Sheri Griffith Holding, LLC	Canyonlands National Park.
CANY003–05	NAVTEC Expeditions, Inc.	Canyonlands National Park.
CANY004–05	Outward Bound Wilderness	Canyonlands National Park.
CANY005–05	Colorado River & Trail Expeditions, Inc	Canyonlands National Park.
CANY006–05	O.A.R.S. Canyonlands, Inc.	Canyonlands National Park.
CANY007–05	Holiday River Expeditions, Inc.	Canyonlands National Park.
CANY009–05	Moki Mac River Expeditions, Inc.	Canyonlands National Park.
CANY010–05	O.A.R.S. Canyonlands, Inc.	Canyonlands National Park.
CANY011–05	Western River Expeditions, Inc.	Canyonlands National Park.
CANY012–05	Niskanen & Jones, Inc.	Canyonlands National Park.
CANY014–05	Niskanen & Jones, Inc.	Canyonlands National Park.
CANY015–05	ARAMARK Sports and Entertainment, LLC	Canyonlands National Park.
CANY016–05	Tour West, Inc.	Canyonlands National Park.
CANY017–05	Western River Expeditions, Inc.	Canyonlands National Park.
CANY018–05	American Wilderness Expeditions, Inc	Canyonlands National Park.
CANY019–05	Niskanen & Jones, Inc.	Canyonlands National Park.
CANY020–05	Raft Moab, Inc.	Canyonlands National Park.
CURE001–06	Elk Creek Marina, LLC	Curecanti National Recreation Area.
LIBI003–06	Crow Tribe of Indians	Little Bighorn Battlefield National Monument.
ROMO003–04	Andrews, Bicknell, and Crothers, LLC	Rocky Mountain National Park.
YELL102–04	Adventures Outfitting	Yellowstone National Park.
YELL103–04	Triangle X Ranch	Yellowstone National Park.
YELL105–04	Bear Paw Outfitters	Yellowstone National Park.
YELL106–04	Jackson Hole Llamas	Yellowstone National Park.
YELL107–04	Wyoming Backcountry Adventures, Inc	Yellowstone National Park.
YELL108–04	Sunrise Pack Station, LLC	Yellowstone National Park.
YELL110–04	Mountain Sky Guest Ranch, LLC	Yellowstone National Park.
YELL113–04	7D Ranch, LLC	Yellowstone National Park.
YELL115–04	Gary Fales Outfitting, Inc.	Yellowstone National Park.
YELL117–04	Scott Sallee	Yellowstone National Park.
YELL118–04	Yellowstone Mountain Guides, Inc.	Yellowstone National Park.
YELL120–04	Slough Creek Outfitters, Inc.	Yellowstone National Park.
YELL121–04	Yellowstone Llamas	Yellowstone National Park.
YELL122–04	Sheep Mesa Outfitters	Yellowstone National Park.
YELL123–04	Castle Creek Outfitters and Guide Service	Yellowstone National Park.
YELL124–04	Jake's Horses, Inc.	Yellowstone National Park.
YELL125–04	Big Bear Outfitters	Yellowstone National Park.
YELL126–04	Yellowstone Wilderness Outfitters	Yellowstone National Park.
YELL127–04	Medicine Lake Outfitters	Yellowstone National Park.
YELL130–04	Skyline Guest Ranch & Guide Service, Inc	Yellowstone National Park.
YELL131–04	Hell's A-Roarin' Outfitters, Inc.	Yellowstone National Park.
YELL132–04	Nine Quarter Circle Ranch, Inc.	Yellowstone National Park.
YELL137–04	Wilderness Pack Trips, Inc.	Yellowstone National Park.
YELL138–04	Yellowstone Roughriders, LLC	Yellowstone National Park.
YELL139–04	Hoof Beat Recreational Services	Yellowstone National Park.
YELL140–04	Black Otter, Inc.	Yellowstone National Park.
YELL141–04	Lost Fork Ranch	Yellowstone National Park.
YELL144–04	Lone Mountain Ranch, Inc.	Yellowstone National Park.
YELL146–04	K Bar Z Guest Ranch and Outfitters, LLC	Yellowstone National Park.
YELL148–04	Kevin V. & Deborah A. Little	Yellowstone National Park.
YELL156–04	Two Ocean Pass Outfitting	Yellowstone National Park.
YELL157–04	Beartooth Plateau Outfitters, Inc.	Yellowstone National Park.
YELL158–04	Wilderness Trails, Inc.	Yellowstone National Park.
YELL159–04	Colby Gines' Wilderness Adventures, LLC	Yellowstone National Park.

CONCID	Concessioner	Park unit
YELL162–04	Grizzly Ranch	Yellowstone National Park.
YELL164–04	TNT Ranch, LLC	Yellowstone National Park.
YELL165–04	Gunsel Horse Adventures	Yellowstone National Park.
YELL166–04	ER Ranch Corporation	Yellowstone National Park.
YELL168–04	Llama Trips in Yellowstone	Yellowstone National Park.
YELL170–04	Rockin' HK Outfitters, Inc.	Yellowstone National Park.
CABR001–06	Cabrillo National Monument Foundation	Cabrillo National Monument.
CHIS002–06	Channel Islands Aviation	Channel Islands National Park.
CRMO001–06	Craters of the Moon Natural History Association	Craters of the Moon National Monument and Preserve.
DEVA004–06	Death Valley Natural History Association	Death Valley National Park.
GOGA007–06	Golden Gate National Parks Conservancy	Golden Gate National Recreation Area.
GRBA001–11	Half Year, Inc.	Great Basin National Park.
HAVO002–06	Hawai'i Natural History Association, Ltd	Hawai'i Volcanoes National Park.
JOTR001–06	Joshua Tree National Park Association	Joshua Tree National Park.
LABE001–06	Lava Beds Natural History Association	Lava Beds National Monument.
ORCA002–06	Oregon Caves Natural History Association	Oregon Caves National Monument and Preserve.
PORE004–06	Point Reyes National Seashore Association	Point Reyes National Seashore.
PWRO001–06	Western National Parks Association	Pacific West Region, National Park Service.
VALR002–06	Arizona Memorial Museum Association	World War II Valor in the Pacific National Monument.
DENA030–05	Kantishna Air Taxi, Inc.	Denali National Park and Preserve.
GLBA008–05	Alaska Discovery, Inc.	Glacier National Park.
GLBA011–05	Chilkat Guides, Ltd.	Glacier National Park.
GLBA012–05	Colorado River & Trail Expeditions, Inc	Glacier National Park.
GLBA013–05	James Henry River Journeys	Glacier National Park.
GLBA014–05	Mountain Travel	Glacier National Park.
GLBA017–05	Wilderness River Outfitters	Glacier National Park.
GLBA020–05	Vernon W. Schumacher	Glacier National Park.
GLBA029–05	Janice Lowenstein	Glacier National Park.
GLBA033–05	Gary Gray	Glacier National Park.
KATM002–05	No See Um Lodge, Inc.	Katmai National Park and Preserve.
KATM003–05	Alaska's Enchanted Lake Lodge, Inc	Katmai National Park and Preserve.
KATM004–05	Shaska Ventures, Inc.	Katmai National Park and Preserve.
KATM005–05	Hartley, Inc.	Katmai National Park and Preserve.
KATM006–05	Chris Branham	Katmai National Park and Preserve.
KATM007–05	Katmai Air, LLC	Katmai National Park and Preserve.

Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes the extension of visitor services for the contracts below until the dates shown under the terms and conditions of the current contract as amended. The extension of operations does not affect any rights with respect to selection for award of a new concession contract.

CONCID	Concessioner	Park unit	Extension date
BAND001–06	Pajarito Plateau Trading Co., LLC	Bandelier National Monument	December 31, 2016
DENA018–05	Jon M. Nierenberg	Denali National Park & Preserve	December 31, 2016
GOGA001–06	Alcatraz Cruises, LLC	Golden Gate National Recreation Area	December 31, 2018
ORCA001–03	Illinois Valley Community Response Team	Oregon Caves National Monument & Preserve.	October 31, 2016
YOSE003–08	Kirstie Dunbar-Kari	Yosemite National Park	December 31, 2016

Dated: November 10, 2015.

Lena McDowall,

Chief Financial Officer.

[FR Doc. 2015–31331 Filed 12–14–15; 8:45 am]

BILLING CODE 4312–53–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearings of the Judicial Conference Advisory Committee on the Federal Rules of Evidence

AGENCY: Advisory Committee on the Federal Rules of Evidence, Judicial Conference of the United States.

ACTION: Notice of cancellation of public hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Evidence has been canceled: Evidence Rules Hearing on January 6, 2016 in Phoenix, Arizona.

Announcements for this meeting were previously published in 80 FR 48120, 80 FR 50324 and 80 FR 51604. The public hearing on proposed amendments to the Federal Rules of Evidence scheduled for February 12, 2016, in Washington, DC, remains scheduled, subject to sufficient expressions of interest.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: December 10, 2015.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2015–31493 Filed 12–14–15; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0008]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision to a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day Notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 80 *FR* 61236, on October 9, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until January 14, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone:202–514–5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) Type of Information Collection: Revision to Currently Approved Collection

(2) Title of the Form/Collection: Semi-Annual Progress Report for Grantees from the Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program (Training Program)

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number: 1122–0008. U.S. Department of Justice, Office on Violence Against Women

(4) Affected public who will be asked or required to respond, as well as a brief abstract: The affected public includes the approximately 18 grantees of the Training Program. Training Program grants may be used for training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, tribal, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals. Grantees fund projects that focus on providing training for criminal justice professionals to enhance their ability to address elder abuse, neglect and exploitation in their communities and enhanced services to address these crimes.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that it will take the approximately 18 respondents (Training Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Training Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) An estimate of the total public burden (in hours) associated with the collection: The total annual hour burden to complete the data collection forms is 36 hours, that is 18 grantees completing a form twice a year with an estimated completion time for the form being one hour. If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: December 9, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–31470 Filed 12–14–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Semi-Annual Progress Report for Justice for Families Program

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 80 FR 60179, on October 5, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until January 14, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202–514–5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning

the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Justice for Families Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–NEW. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the current grantees under the Justice for Families Program. The Justice for Families Program improves the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault and stalking, or in cases involving allegations of child sexual abuse. Eligible applicants are states, units of local government, courts, Indian tribal governments, nonprofit organizations, legal service providers, and victim services providers. The affected public includes the approximately 70 Justice for Families Program grantees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 70 respondents (Justice for Families Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Justice for Families Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 140 hours, that is 70 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: December 10, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–31499 Filed 12–14–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0021]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until February 16, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from Grants to Enhance Culturally and Linguistically Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program (Culturally and Linguistically Specific Services Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0021. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 50 grantees of the Culturally and Linguistically Specific Services Program. The program funds projects that promote the maintenance and replication of existing successful domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally and linguistically specific services and other resources. The program also supports the development of innovative culturally and linguistically specific strategies and projects to enhance access to services and resources for victims of violence against women.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 50 respondents

(Culturally and Linguistically Specific Services Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Culturally and Linguistically Specific Services Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 100 hours, that is 50 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: December 10, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–31495 Filed 12–14–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0016]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision to a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 80 FR 61241, on October 9, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until January 14, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202–514–5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision to Currently Approved Collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees of the Transitional Housing Assistance Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0016. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 120 grantees of the Transitional Housing Assistance Grant Program (Transitional Housing Program) whose eligibility is determined by statute. This discretionary grant program provides transitional housing, short-term housing assistance, and related support services for individuals who are homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence, dating violence, sexual assault, or stalking, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. Eligible applicants are States, units of local government, Indian tribal governments, and other organizations, including domestic violence and sexual assault victim services providers, domestic violence or sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the 120 respondents (grantees) approximately one hour to complete the Semi-Annual Progress Report. The semi-annual progress report is divided into sections that pertain to the different types of activities that grantees may engage in and the different types of grantees that receive funds. A Transitional Housing Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 240 hours, that is 120 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: December 9, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–31472 Filed 12–14–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0022]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until February 16, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Semi-Annual Progress Report for the Sexual Assault Services Formula Grant Program (SASP).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0022. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 606 administrators and subgrantees of the SASP. SASP grants support intervention, advocacy, accompaniment, support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault. The SASP supports the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault. The grant funds are distributed by SASP state administrators to subgrantees as outlined under the provisions of the Violence Women Act of 2005.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 606 respondents (SASP administrators and subgrantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A SASP subgrantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 1,212 hours, that is 606 subgrantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: December 10, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–31496 Filed 12–14–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0007]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision to a Currently Approved Collection

AGENCY: Office on Violence Against Women, Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 80 FR 61240, on October 9, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until January 14, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202–514–5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision to Currently Approved Collection.

(2) *Title of the Form/Collection:* Legal Assistance for Victims Grant Program (LAV) Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0007. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 200 grantees of the Legal Assistance for Victims Grant Program (LAV Program) whose eligibility is determined by statute. In 1998, Congress appropriated funding to provide civil legal assistance to domestic violence victims through a set-aside under the Grants to Combat Violence Against Women, Public Law 105–277. In the Violence Against Women Act of 2000, Congress statutorily authorized the LAV Program. 42 U.S.C. 3796gg–6 and amended the statutory in 2005 and 2013. The LAV Program is intended to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence. The LAV Program awards grants to law school legal clinics, legal aid or legal services programs, domestic violence victims' shelters, bar associations, sexual assault programs, private nonprofit entities, and Indian tribal governments. These grants are for providing direct legal services to victims of domestic violence, sexual assault, and stalking in matters arising from the abuse or violence and for providing enhanced training for lawyers representing these victims. The goal of the Program is to develop innovative, collaborative projects that provide quality representation to victims of domestic violence, sexual assault, and stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 200 respondents (LAV Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities that grantees may engage in and the different types of grantees that receive funds. An LAV Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 400 hours, that is 200 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: December 9, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–31469 Filed 12–14–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice of Charter Establishment

AGENCY: Federal Bureau of Investigation, DOJ.

ACTION: Notice of Charter Establishment of the Executive Advisory Board of the National Domestic Communications Assistance Center.

SUMMARY: Pursuant to Title 41 of the U.S. Code of Federal Regulations, section 102–3.65, notice is hereby given that the Charter for the National Domestic Communications Assistance Center (NDCAC) Executive Advisory Board (EAB) was filed on August 1, 2014. The Charter is on file with the General Services Administration. However, the EAB has not met nor conducted any business since its establishment. The Attorney General determined that the NDCAC EAB is necessary and in the public interest in connection with the performance of duties of the Department of Justice and these duties can best be performed through the advice and counsel of this group. This determination followed consultation with the Committee Management Secretariat, General Services Administration.

The purpose of the EAB is to provide advice and recommendations to the Attorney General or designee, and to the Director of the NDCAC that promote public safety and national security by advancing the NDCAC's core functions: law enforcement coordination with respect to technical capabilities and solutions, technology sharing, industry relations, and implementation of the Communications Assistance for Law Enforcement Act (CALEA).

FOR FURTHER INFORMATION CONTACT: Alice Bardney-Boose, Designated Federal Officer, National Domestic Communications Assistance Center, Department of Justice, by email at *Alice.Bardney-Boose@ic.fbi.gov* or by phone at (540) 361–2330.

SUPPLEMENTARY INFORMATION: The EAB consists of 15 voting members composed of Representative members, Regular Government Employees and/or Special Government Employees. The membership includes representatives from Federal, State, local and tribal law enforcement agencies. Additionally, there are two non-voting members as follows: a federally-employed attorney assigned full time to the NDCAC to serve as a legal advisor to the EAB, and the DOJ Chief Privacy Officer or designee to ensure that privacy and civil rights and civil liberties issues are fully considered in the EAB's recommendations. The Board is composed of eight State, local, and/or tribal representatives and seven federal representatives. Any future changes to the voting membership of the EAB will maintain the continued majority of State, local, and/or tribal representatives by one seat.

The membership of the entire EAB includes active executive level officials (*e.g.,* agency heads for State, local, or tribal representatives; and members of the Senior Executive Service for Federal agencies) having responsibility for, or being substantially engaged in, the management of electronic surveillance capabilities, evidence collection on communication devices, and technical location capabilities from Federal, State, local and/or tribal law enforcement agencies from across the country. EAB members serve two-year terms, and are eligible for reappointment if the Charter is renewed.

The EAB provides advice and recommendations to the Attorney General or designee on: (1) The selection and appointment of the Director and Deputy Director(s) of the NDCAC; (2) trends and developments with respect to existing and emerging communications services and technologies; (3) technical challenges faced by Federal, State, tribal and local law enforcement agencies with respect to lawfully-authorized electronic surveillance capabilities, evidence collection on communications devices, and technical location capabilities; (4) the effective leveraging and exchange of technical information and methods among Federal, State, tribal and local law enforcement agencies regarding lawfully-authorized electronic surveillance capabilities, evidence collection on communications devices, and technical location capabilities; (5) relations between law enforcement agencies and the communications industry to include leveraging existing and/or developing new private/public partnerships; (6) the development of standard practices within the law enforcement community; (7) implementation of CALEA; and (8) security and privacy policies, standards for participation by law enforcement agencies, and other issues relating to the functions, programs and operations of the NDCAC. The EAB further assists in shaping the goals and mission of the NDCAC by providing advice and guidance to the Director of the NDCAC on the establishment of policies and procedures designed to: ensure clarity in roles and responsibilities of the NDCAC; focus on established outcomes, intended results and accountability (by recommending specific courses of action); implement an effective infrastructure for the dissemination of technical information and methods; maintain an external focus to represent law enforcement stakeholders; pursue adequate resources necessary to accomplish the mission; and broker multi-agency participation and facilitate combined initiatives. The EAB provides insight into the diverse nature of jurisdiction-specific statutes and agency policies and procedures under which NDCAC participating law enforcement agencies operate. The EAB also receives information to review, monitor, and track training provided by or for NDCAC participating law enforcement agencies as well as recommend the development of standard practices for automated capabilities involving industry assistance.

Alice Bardney-Boose,

Designated Federal Officer, National Domestic Communication Assistance Center, Executive Advisory Board.

[FR Doc. 2015–31513 Filed 12–14–15; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0013]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision to a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 80 *FR* 61238, on October 9, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until January 14, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202–514–5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) Type of Information Collection: Revision to Currently Approved Collection.

(2) Title of the Form/Collection: Semi-Annual Progress Report for Grantees from the Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance Program.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number: 1122–0013. U.S. Department of Justice, Office on Violence Against Women.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: The affected public includes the approximately 165 grantees of the Rural Program. The primary purpose of the Rural Program is to enhance the safety of victims of domestic violence, dating violence, sexual assault, stalking, and child victimization by supporting projects uniquely designed to address and prevent these crimes in rural jurisdictions. Grantees include States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that it will take the approximately 165 respondents (Rural Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Rural Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) An estimate of the total public burden (in hours) associated with the collection: The total annual hour burden to complete the data collection forms is 330 hours, that is 165 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: December 9, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–31471 Filed 12–14–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0023]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until February 16, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Sexual Assault Services Program—Grants to Culturally Specific Programs (SASP-Culturally Specific Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0023. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 11 grantees of the SASP Culturally Specific Program. This program supports projects that create, maintain and expand sustainable sexual assault services provided by culturally specific organizations, which are uniquely situated to respond to the needs of sexual assault victims within culturally specific populations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 11 respondents (SASP-Culturally Specific Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A SASP-Culturally Specific Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 22 hours, that is 11 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: December 10, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–31497 Filed 12–14–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0003]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision to a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 80 FR 61237, on October 9, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until January 14, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202–514–5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision to Currently Approved Collection.

(2) *Title of the Form/Collection:* Annual Progress Report for STOP Violence Against Women Formula Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0003. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the 56 STOP state administrators (from 50 states, the District of Columbia and five territories and commonwealths (Guam, Puerto Rico, American Samoa, Virgin Islands, Northern Mariana Islands)) and their subgrantees. The STOP Violence Against Women Formula Grants Program was authorized through the Violence Against Women Act of 1994 (VAWA) and reauthorized and amended in 2000, 2005, and 2013. Its purpose is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women. The STOP Formula Grants Program envisions a partnership among law enforcement, prosecution, courts, and victim advocacy organizations to enhance victim safety and hold offenders accountable for their crimes of violence against women. OVW administers the STOP Formula Grants Program. The grant funds must be distributed by STOP state administrators to subgrantees according to a statutory formula (as amended).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the 56 respondents (STOP administrators) approximately one hour to complete an annual progress report. It is estimated that it will take approximately one hour for roughly 2500 subgrantees [1] to complete the relevant portion of the annual progress report. The Annual Progress Report for the STOP Formula Grants Program is divided into sections that pertain to the different types of activities that subgrantees may engage in and the different types of subgrantees that receive funds, *i.e.* law enforcement agencies, prosecutors' offices, courts, victim services agencies, etc.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the annual progress report is 2,556 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: December 9, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–31468 Filed 12–14–15; 8:45 am]

BILLING CODE 4410–FX–P

LIBRARY OF CONGRESS

U.S. Copyright Office

[Docket No. 2015–6]

Software-Enabled Consumer Products Study: Notice and Request for Public Comment

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: The U.S. Copyright Office is undertaking a study at the request of Congress to review the role of copyright law with respect to software-enabled consumer products. The topics of public inquiry include whether the application of copyright law to software in everyday products enables or frustrates innovation and creativity in the design, distribution and legitimate uses of new products and innovative services. The Office also is seeking information as to whether legitimate interests or business models for copyright owners and users could be improved or undermined by changes to the copyright law in this area. This is a highly specific study not intended to examine or address more general questions about software and copyright protection.

DATES: Written comments must be received no later than February 16, 2016 at 11:59 p.m. Eastern Time. Written reply comments must be received no later than March 18, 2016 at 11:59 p.m. Eastern Time. The Office will be announcing one or more public meetings, to take place after written comments are received, by separate notice in the future.

ADDRESSES: All comments must be submitted electronically. Specific instructions for submitting comments will be posted on the Copyright Office Web site at *http://www.copyright.gov/policy/software* on or before February 1, 2016. To meet accessibility standards, all comments must be provided in a single file not to exceed six megabytes (MB) in one of the following formats: Portable Document File (PDF) format containing searchable, accessible text (not an image); Microsoft Word; WordPerfect; Rich Text Format (RTF); or ASCII text file format (not a scanned document). Both the web form and face of the uploaded comments must include the name of the submitter and any organization the submitter represents. The Office will post all comments publicly in the form that they are received. If electronic submission of comments is not feasible, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Sarang V. Damle, Deputy General Counsel, *sdam@loc.gov;* Catherine Rowland, Senior Advisor to the Register of Copyrights, *crowland@loc.gov;* or Erik Bertin, Deputy Director of Registration Policy and Practice, *ebertin@loc.gov.* Each can be reached by telephone at (202) 707–8350.

SUPPLEMENTARY INFORMATION: Copyrighted software can be found in a wide range of everyday consumer products—from cars, to refrigerators, to cellphones, to thermostats, and more. Consumers have benefited greatly from this development: Software brings new

[1] Each year the number of STOP subgrantees changes. The number 2,500 is based on the number of reports that OVW has received in the past from STOP subgrantees.

qualities to ordinary products, making them safer, more efficient, and easier to use. At the same time, software's ubiquity raises significant policy issues across a broad range of subjects, including privacy, cybersecurity, and intellectual property rights. These include questions about the impact of existing copyright law on innovation and consumer uses of everyday products and innovative services that rely on such products. In light of these concerns, Senators Charles E. Grassley and Patrick Leahy (the Chairman and Ranking Member, respectively, of the Senate Committee on the Judiciary) have asked the U.S. Copyright Office to ''undertake a comprehensive review of the role of copyright in the complex set of relationships at the heart'' of the issues raised by the spread of software in everyday products.[1] The Senators called on the Office to seek public input from ''interested industry stakeholders, consumer advocacy groups, and relevant federal agencies,'' and make appropriate recommendations for legislative or other changes.[2] The report must be completed no later than December 15, 2016.[3]

This study is not the proper forum for issues arising under section 1201 of the Copyright Act, which addresses the circumvention of technological protection measures on copyrighted works. Earlier this year, the Register of Copyrights testified that certain aspects of the section 1201 anticircumvention provisions of the Digital Millennium Copyright Act (''DMCA'') were unanticipated when enacted almost twenty years ago, and would benefit from further review. These issues include, for example, the application of anticircumvention rules to everyday products, as well as their impact on encryption research and security testing. If you wish to submit comments about section 1201, please do so through the forthcoming section 1201 study, information on which will be available shortly at *www.copyright.gov.*

I. Background

Copyright law has expressly protected computer programs,[4] whether used in general purpose computers or embedded in everyday consumer products, since the enactment of the 1976 Copyright Act (''1976 Act''). Though the 1976 Act did not expressly list computer programs as copyrightable subject matter, the Act's legislative history makes it evident that Congress intended for them to be protected by copyright law as literary works.[5] At the same time, in the 1976 Act, Congress recognized that ''the area of computer uses of copyrighted works'' was a ''major area [where] the problems are not sufficiently developed for a definitive legislative solution.'' [6] Accordingly, as originally enacted, 17 U.S.C. 117 ''preserve[d] the status quo'' as it existed in 1976 with respect to computer uses,[7] by providing that copyright owners had no ''greater and lesser rights with respect to the use of the work in conjunction with automatic systems capable of storing, processing, retrieving, or transferring information, or in conjunction with any similar device, machine, or process, than those afforded to works under the law'' as it existed prior to the effective date of the 1976 Act.[8]

Since the 1976 Act's enactment, the scope of copyright protection for computer programs has continued to be refined by Congress through legislation and by the courts through litigation. At least some of that attention has focused on the precise problem presented here: The presence of software in everyday products.

A. CONTU Report

In the mid-1970s, Congress created the National Commission on New Technological Uses of Copyrighted Works (''CONTU'') to study and report on the complex issues raised by extending copyright protection to computer programs.[9] In its 1978 Report, CONTU recommended that Congress continue to protect computer programs under copyright law, specifically by amending section 101 of the 1976 Act to include a definition of computer programs and by replacing section 117 as enacted in the 1976 Act with a new provision providing express limitations on the exclusive rights of reproduction and adaptation of computer programs under certain conditions.[10] Congress adopted CONTU's legislative recommendations in 1980.[11]

While CONTU did not specifically anticipate that software would become embedded in everyday products, CONTU did recognize some general issues resulting from the fact that computer programs need a machine to operate. Specifically, CONTU recognized that the process by which a machine operates a computer program necessitates the making of a copy of the program and that adaptations are sometimes necessary to make a program interoperable with the machine.[12] CONTU preliminarily addressed these issues by including in its recommended revisions to section 117 a provision permitting the reproduction or adaptation of a computer program when created as an essential step in using the program in conjunction with a machine, finding that ''[b]ecause the placement of a work into a computer is the preparation of a copy, the law should provide that persons in rightful possession of copies of programs be able to use them freely without fear of exposure to copyright liability.'' [13] CONTU's recommendations for the new section 117 also included a provision permitting the making of copies and adaptations for archival purposes.[14]

At the same time, CONTU foresaw that the issues surrounding copyright protection for software would have to be examined again by Congress and the Copyright Office:

> [T]he Commission recognizes that the dynamics of computer science promise changes in the creation and use of authors' writings that cannot be predicted with any certainty. The effects of these changes should have the attention of Congress and its appropriate agencies to ensure that those who are the responsible policy makers maintain an awareness of the changing impact of computer technology on both the needs of authors and the role of authors in the information age. To that end, the Commission recommends that Congress, through the appropriate committees, and the Copyright Office, in the course of its administration of copyright registrations and other activities, continuously monitor the impact of computer applications on the creation of works of authorship.[15]

B. Computer Software Rental Amendments Act of 1990

A decade later, in response to concerns that commercial rental of

[1] Letter from Sen. Charles E. Grassley, Chairman, Senate Committee on the Judiciary, and Sen. Patrick Leahy, Ranking Member, Senate Committee on the Judiciary, to Maria A. Pallante, Register of Copyrights, U.S. Copyright Office, at 1 (Oct. 22, 2015), *available at http://www.copyright.gov/policy/software.*

[2] *Id.* at 2.

[3] *Id.*

[4] Although the Copyright Act uses the term ''computer program,'' *see* 17 U.S.C. 101 (definition of ''computer program''), the terms ''software'' and ''computer program'' are used interchangeably in this notice.

[5] *See* H.R. Rep. No. 94–1476, at 55 (1976); *see also* National Commission on New Technological Uses of Copyrighted Works, Final Report of the National Commission on New Technological Uses of Copyrighted Works 16 (1978) (''CONTU Report'').

[6] H.R. Rep. No. 94–1476, at 55.

[7] *Id.*

[8] Public Law 94–553, sec. 117, 90 Stat. 2541, 2565 (1976).

[9] *See* CONTU Report at 3–4.

[10] *Id.* at 12.

[11] *See* Act of Dec. 12, 1980, Public Law 96–517, sec. 10, 94 Stat. 3015, 3028–29.

[12] *See* CONTU Report at 12–14.

[13] *Id.* at 12–13.

[14] *Id.*

[15] *Id.* at 46.

computer programs would encourage illegal copying of such programs, Congress passed the Computer Software Rental Amendments Act of 1990 (''Computer Software Rental Act''), which amended section 109 of the Copyright Act to prohibit the rental, lease or lending of a computer program for direct or indirect commercial gain unless authorized by the copyright owner of the program.[16] Notably, Congress also expressly provided an exception to this prohibition for ''a computer program which is embodied in a machine or product and which cannot be copied during the ordinary operation or use of the machine or product.'' [17] In doing so, Congress recognized that computer programs can be embedded in machines or products and tailored the rental legislation to avoid interference with the ordinary use of such products.[18]

C. DMCA

Congress revisited the issues surrounding software and copyright law with the DMCA.[19] As particularly relevant here, the DMCA amended section 117 of the Copyright Act to permit the reproduction of computer programs for the purposes of machine maintenance or repair following a court of appeals decision [20] that cast doubt on the ability of independent service organizations to repair computer hardware.[21] This provision foreshadows the more general concerns raised by the spread of software in everyday products—namely, that maintaining or repairing a software-enabled product often will require copying of the software. Section 104 of the DMCA also directed the Office to study the effects of the DMCA amendments and the development of electronic commerce and associated technology on the operation of sections 109 and 117 of the Copyright Act, as well as ''the relationship between existing and emergent technology and the operation of sections 109 and 117.'' [22] The Office subsequently published a report detailing its findings and recommendations in August 2001 (''Section 104 Report'').[23]

The Section 104 Report discussed a number of issues relevant to the discussion of software in everyday products. For instance, it addressed proposals to add a ''digital first sale'' right to section 109 of the Copyright Act to explicitly grant consumers the authority to resell works in digital format. Although the Office concluded that no legislative changes to section 109 were necessary at the time, it recognized that ''[t]he time may come when Congress may wish to consider further how to address these concerns.'' [24] In particular, the Office anticipated some of the issues presented here when it highlighted ''the operation of the first sale doctrine in the context of works tethered to a particular device''—an example of which would be software embedded in everyday products—as an issue worthy of continued monitoring.[25] Additionally, the Office noted the concern that unilateral contractual provisions could be used to limit consumers' ability to invoke exceptions and limitations in copyright law. Although the Office concluded that those issues were outside the scope of the study, and that ''market forces may well prevent right holders from unreasonably limiting consumer privileges,'' it also recognized that ''it is possible that at some point in the future a case could be made for statutory change.'' [26]

D. Developments in Case Law

In the meantime, courts, too, have weighed in on a number of issues concerning copyright protection of software, including copyrightability, the application of the fair use doctrine, and ownership of software by consumers. In analyzing these issues, however, courts have not generally distinguished between software installed on general purpose computers and that embedded in everyday products.

Courts have helped define the scope of copyright protection for software and address questions of infringement through application of doctrines such as the idea/expression dichotomy (codified in 17 U.S.C. 102(b)), merger, and *scènes à faire*.[27] The idea/expression dichotomy, as applied to software, excludes from copyright protection the abstract ''methodology or processes adopted by the programmer'' in creating the code.[28] In the context of software, the merger doctrine excludes certain otherwise creative expression from copyright protection when it is the only way, or one of a limited number of ways, to perform a given computing task.[29] The *scènes à faire* doctrine has been used to limit or eliminate copyright protection for elements of a program that are dictated by external factors or by efficiency concerns, such as the mechanical specifications of the computer on which the program runs.[30]

The fair use doctrine, codified in 17 U.S.C. 107, is also relevant here. Courts have applied the fair use doctrine to permit uses of software that ensure interoperability of software with new products and devices. For example, in *Sega Enterprises Ltd.* v. *Accolade, Inc.,* the Court of Appeals for the Ninth Circuit held that copying a video game console's computer program to decompile and reverse engineer the object code to make it interoperable with video games created by the defendant was a fair use.[31] Similarly, in *Sony Computer Entertainment, Inc.* v. *Connectix Corp.,* the court held that reverse engineering the operating system of a PlayStation gaming console to develop a computer program allowing users to play PlayStation video games on a desktop computer, as well as making copies in the course of such reverse engineering, was a fair use.[32]

Another important issue courts have tackled involves the scope of section 117's limitations on exclusive rights in computer programs. Section 117(a) allows copies or adaptations of

[16] *See* Public Law 101–650, 104 Stat. 5089, 5134–35 (1990); 17 U.S.C. 109(b)(1)(A).

[17] 17 U.S.C. 109(b)(1)(B)(i).

[18] *See Computer Software Rental Amendments Act (H.R. 2740, H.R. 5297, and S. 198): Hearing Before the Subcomm. on Courts, Intellectual Prop., and the Admin. of Justice of the H. Comm. on the Judiciary,* 101st Cong. 15–16 (1990) (statement of Rep. Mike Synar) (''Some parties have interpreted the [Computer Software Rental Act] as potentially affecting computer programs which may be contained as a component of another machine, such as a program which drives a mechanized robot or runs a microwave or a household kitchen utensil. Such a result was not intended and will be addressed in this legislation.'').

[19] Public Law 105–304, 112 Stat. 2860 (1998).

[20] *MAI Sys. Corp.* v. *Peak Computer,* 991 F.2d 511 (9th Cir. 1993).

[21] *See* DMCA, sec. 302, 112 Stat. 2860, 2887 (1998); S. Rep. No. 105–190, at 21–22 (1998).

[22] DMCA, sec. 104, 112 Stat. 2860, 2876 (1998).

[23] *See generally* U.S. Copyright Office, DMCA Section 104 Report (2001).

[24] *Id.* at 96–97.

[25] *Id.* at xvi–xvii.

[26] *Id.* at 162–64.

[27] *See, e.g., Lexmark International, Inc.* v. *Static Control Components, Inc.,* 387 F.3d 522, 534–36 (6th Cir. 2004); *Apple Computer, Inc.* v. *Franklin Computer Corp.,* 714 F.2d 1240, 1252–53 (3d Cir. 1983); *Computer Management Assistance Co.* v. *DeCastro,* 220 F.3d 396, 400–02 (5th Cir. 2000).

[28] H.R. Rep. No. 94–1476, at 9; *see also* CONTU Report at 22 (''[C]opyright leads to the result that anyone is free to make a computer carry out any unpatented process, but not to misappropriate another's writing to do so.'').

[29] *See* CONTU Report at 20 (''[C]opyrighted language may be copied without infringing when there is but a limited number of ways to express a given idea. . . . In the computer context, this means that when specific instructions, even though previously copyrighted, are the only and essential means of accomplishing a given task, their later use by another will not amount to an infringement.'').

[30] *See, e.g., Lexmark,* 387 F.3d at 535–36 (outlining applicability of doctrine to computer programs).

[31] 977 F.2d 1510, 1527–28 (9th Cir. 1992), *amended by* 1993 U.S. App. LEXIS 78 (9th Cir. 1993).

[32] 203 F.3d 596, 602–08 (9th Cir. 2000).

computer programs to be made either ''as an essential step in the utilization of the computer program in conjunction with a machine'' or for archival purposes, but this provision may only be invoked by ''the owner of a copy of a computer program.'' [33] This raises difficult questions regarding whether a consumer owns a copy of software installed on a device or machine for purposes of section 117 when formal title is lacking or a license purports to impose restrictions on the use of the computer program. Courts have provided somewhat conflicting guidance regarding this issue, and the application of the law can be unclear in many contexts.[34]

E. Recent Legislation

Issues associated with the spread of copyrighted software in everyday products have prompted legislative action in an attempt to address some of the copyright issues created by the spread of such works.[35] In the context of section 1201—which, as explained, is the subject of a separate Copyright Office study—Congress enacted legislation in August 2014 to broaden the regulatory exemption permitting the circumvention of technological measures for the purpose of connecting wireless telephone handsets to wireless communication networks (a process commonly known as ''cellphone unlocking'').[36]

The Unlocking Technology Act of 2015, as most pertinent to this study, would amend section 117 of the Copyright Act to permit the reproduction or adaptation of ''the software or firmware of a user-purchased mobile communications device for the sole purpose of . . . connect[ing] to a wireless communications network'' if the reproduction or adaptation is initiated by or with the consent of the owner of the device, the owner is in legal possession of the device, and the owner has the consent of the authorized operator of the wireless communications network to use the network.[37] The legislation would also limit the prohibition on circumvention in section 1201 of title 17 to circumstances where circumvention is carried out in order to infringe or facilitate the infringement of a copyrighted work, and would permit the use of or trafficking in circumvention devices unless the intent of such use or trafficking is to infringe or facilitate infringement.[38]

In addition, the You Own Devices Act (''YODA'') would amend section 109 of the Copyright Act to allow the transfer of ownership of a copy of a computer program embedded on a machine or other product ''if [the] computer program enables any part of [that] machine or other product to operate,'' as well as any right to receive software updates or security patches from the manufacturer.[39] This right of transfer could not be waived by any contractual agreement.[40] In addition, the original owner of the device would be prohibited from retaining an unauthorized copy of the computer program after transferring the device and the computer program to another person.[41]

F. Relationship to Questions About Section 1201

Some issues related to software embedded in everyday products have come to the forefront in recent years through the 1201 rulemaking process. As the Copyright Office has frequently noted, the 1201 rulemaking can serve as a barometer for larger public policy questions, including issues that may merit or would require legislative change. The public should not submit concerns about section 1201 through this software study, but rather through the Copyright Office's forthcoming study on section 1201, information about which will be available shortly at *http://www.copyright.gov/.*

II. Subjects of Inquiry

In response to the letter from Senators Grassley and Leahy, the Office is seeking public comment on the following five topics. A party choosing to respond to this Notice of Inquiry need not address every subject, but the Office requests that responding parties clearly identify and separately address each subject for which a response is submitted.

1. The provisions of the copyright law that are implicated by the ubiquity of copyrighted software in everyday products;

2. Whether, and to what extent, the design, distribution, and legitimate uses of products are being enabled and/or frustrated by the application of existing copyright law to software in everyday products;

3. Whether, and to what extent, innovative services are being enabled and/or frustrated by the application of existing copyright law to software in everyday products;

4. Whether, and to what extent, legitimate interests or business models for copyright owners and users could be undermined or improved by changes to the copyright law in this area; and

5. Key issues in how the copyright law intersects with other areas of law in establishing how products that rely on software to function can be lawfully used.

When addressing these topics, respondents should consider the following specific issues:

1. Whether copyright law should distinguish between software embedded in ''everyday products'' and other types of software, and, if so, how such a distinction might be drawn in an administrable manner.

a. Whether ''everyday products'' can be distinguished from other products that contain software, such as general purpose computers—essentially how to define ''everyday products.''

b. If distinguishing between software embedded in ''everyday products'' and other types of software is impracticable, whether there are alternative ways the Office can distinguish between categories of software.

2. The rationale and proper scope of copyright protection for software embedded in everyday products, including the extent to which copyright infringement is a concern with respect to such software.

3. The need to enable interoperability with software-embedded devices, including specific examples of ways in which the law frustrates or enables such interoperability.

4. Whether current limitations on and exceptions to copyright protection

[33] 17 U.S.C. 117(a).

[34] *Compare Krause* v. *Titleserv, Inc.,* 402 F.3d 119, 124 (2d Cir. 2005), *with Vernor* v. *Autodesk, Inc.,* 621 F.3d 1102, 1111 (9th Cir. 2010).

[35] Bills have also been introduced addressing related issues outside copyright law stemming from the spread of software in everyday products. The Spy Car Act of 2015 would direct the National Highway Traffic Safety Administration to conduct a rulemaking and issue motor vehicle cybersecurity regulations protecting against unauthorized access to electronic systems in vehicles or driving data, such as information about a vehicle's location, speed or owner, collected by such electronic systems. SPY Car Act of 2015, S. 1806, 114th Cong. sec. 2 (2015). A discussion draft introduced in the Commerce, Manufacturing, and Trade Subcommittee of the Energy & Commerce Committee of the House of Representatives would prohibit access to electronic control units or critical systems in a motor vehicle. A Bill to provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration, and for other purposes [Discussion Draft], 114th Cong. sec. 302 (2015), *available at http://docs.house.gov/meetings/IF/IF17/20151021/104070/BILLS-114pih-DiscussionDraftonVehicleandRoadwaySafety.pdf.*

[36] *See* Unlocking Consumer Choice and Wireless Competition Act, Public Law 113–144, 128 Stat. 1751 (2014).

[37] Unlocking Technology Act, H.R. 1587, 114th Cong. sec. 3 (2015).

[38] *Id.* sec. 2.

[39] YODA, H.R. 862, 114th Cong. sec. 2 (2015).

[40] *Id.*

[41] *Id.*

adequately address issues concerning software embedded in everyday products, or whether amendments or clarifications would be useful. Specific areas of interest include:

a. The idea/expression dichotomy (codified in 17 U.S.C. 102(b))

b. The merger doctrine

c. The *scènes à faire* doctrine

d. Fair use (codified in 17 U.S.C. 107)

e. The first-sale doctrine (codified in 17 U.S.C. 109)

f. Statutory limitations on exclusive rights in computer programs (codified in 17 U.S.C. 117)

5. The state of contract law *vis-à-vis* software embedded in everyday products, and how contracts such as end user license agreements impact investment in and the dissemination and use of everyday products, including whether any legislative action in this area is needed.

6. Any additional relevant issues not raised above.

Dated: December 9, 2015.

Maria A. Pallante,

Register of Copyrights, U.S. Copyright Office.

[FR Doc. 2015–31411 Filed 12–14–15; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

[NARA–2016–007]

State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS–PAC) Meeting

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulation 41 CFR 101–6, NARA announces the following committee meeting.

DATES: The meeting will be on January 27, 2016, from 10:00 a.m. to 12:00 p.m. EDT.

ADDRESSES: National Archives and Records Administration; 700 Pennsylvania Avenue NW.; Jefferson Room; Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Robert J. Skwirot, Senior Program Analyst, by mail at ISOO, National Archives Building; 700 Pennsylvania Avenue NW.; Washington, DC 20408, by telephone number at (202) 357–5398, or by email at *robert.skwirot@nara.gov.* Contact ISOO at *ISOO@nara.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss matters relating to the Classified National Security Information Program for State, Local, Tribal, and Private Sector Entities. The meeting will be open to the public. However, due to space limitations and access procedures, you must submit the name and telephone number of individuals planning to attend to the Information Security Oversight Office (ISOO) no later than Friday, January 22, 2016. ISOO will provide additional instructions for accessing the meeting's location.

Dated: December 8, 2015.

Patrice Little Murray,

Committee Management Officer.

[FR Doc. 2015–31526 Filed 12–14–15; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL LABOR RELATIONS BOARD

Notice of Appointments of Individuals To Serve as Members of Performance Review Boards; Correction

Authority: 5 U.S.C. 4314(c)(4).

AGENCY: National Labor Relations Board.

ACTION: Notice; correction.

SUMMARY: The National Labor Relations Board published a document in the **Federal Register** of November 25, 2015, giving notice that certain named individuals had been appointed to serve as members of performance review boards in the National Labor Relations Board for the rating year beginning October 1, 2014 and ending September 30, 2015. The document failed to list one of the individuals so appointed.

FOR FURTHER INFORMATION CONTACT: Gary Shinners, Executive Secretary, National Labor Relations Board, 1099 14th Street NW., Washington, DC 20570, (202) 273–3737 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

Correction

In the **Federal Register** of November 25, 2015, in FR Doc. 2015–30031, on page 73836, in the third column, correct the list of names of individuals appointed to serve as members of performance review boards by adding the following individual:

Name and Title

Deborah Yaffee—Director, Office of Appeals

Dated: December 9, 2015.

By Direction of the Board.

William B. Cowen,

Solicitor.

[FR Doc. 2015–31421 Filed 12–14–15; 8:45 am]

BILLING CODE 7545–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275, 50–323, and 72–26; NRC–2015–0244]

Pacific Gas and Electric Company; Diablo Canyon Power Plant, Units 1 and 2, and Diablo Canyon Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Finding of no significant impact with associated environmental assessment; final issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) related to a request to amend the Facility Operating License Nos. DPR–80, DPR–82, and SNM–2511 issued to Pacific Gas and Electric Company (PG&E), for operation of the Diablo Canyon Power Plant, Units 1 and 2, including the specific-license Independent Spent Fuel Storage Installation (hereinafter DCPP or the facility), located in San Luis Obispo County, California. The requested amendments would permit licensee security personnel to use certain firearms and ammunition feeding devices not previously permitted, notwithstanding State, local, and certain Federal firearms laws or regulations that otherwise prohibit such actions.

ADDRESSES: Please refer to Docket ID NRC–2015–0244 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0244. 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 that document is available in ADAMS) is provided the first time that a document is referenced. The application for amendments, dated September 24, 2013, and letter dated December 18, 2013, contain sensitive unclassified non-safeguards information (SUNSI) and are being withheld from public disclosure. A redacted version of the application for amendments, dated September 24, 2013, is available in ADAMS under Accession No. ML13268A398. The supplement dated December 18, 2013, is withheld in its entirety.

- 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: Siva P. Lingam, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1564, email: *Siva.Lingam@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering a request to amend the Facility Operating License Nos. DPR–80, DPR–82, and SNM–2511 issued to PG&E, for operation of DCPP, located in San Luis Obispo County, California in accordance with 10 CFR 50.90 of title 10 of the *Code of Federal Regulations* (10 CFR). Consistent with 10 CFR 51.21, the NRC has reviewed the requirements in 10 CFR 51.20(b) and 10 CFR 51.22(c) and determined that an EA is the appropriate form of environmental review. Based on the results of the EA, the NRC is issuing this final FONSI. The requested amendments would permit licensee security personnel to use certain firearms and ammunition feeding devices not previously permitted, notwithstanding State, local, and certain Federal firearms laws, or regulations that otherwise prohibit such actions. The NRC published a draft EA and FONSI on the proposed action for public comment in the **Federal Register** on October 28, 2015 (80 FR 66054). No comments were received.

II. Environmental Assessment

Identification of the Proposed Action

The proposed action would permit security personnel at DCPP in the performance of their official duties, to transfer, receive, possess, transport, import, and use certain firearms, and large capacity ammunition feeding devices not previously permitted to be owned or possessed, notwithstanding State, local, and certain Federal firearms laws, or regulations, that otherwise prohibit such actions.

The proposed action is in accordance with the PG&E's application dated September 24, 2013 (ADAMS Accession No. ML13268A398), as supplemented by letters dated December 18, 2013, May 15, 2014 (ADAMS Accession No. ML14135A379), and March 26, 2015 (ADAMS Accession No. ML15085A572).

The Need for the Proposed Action

The proposed action would allow the transfer, receipt, possession, transportation, importation and use of those firearms and devices needed in the performance of official duties required for the protection of an NRC designated facility and associated special nuclear materials, consistent with the NRC approved security plan.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the proposed action would only allow the use of those firearms and devices necessary to protect DCPP and associated special nuclear material, consistent with the DCPP NRC-approved security plan. Therefore, the proposed action would not significantly increase the probability or consequences of accidents. In addition, the proposed action would not change the types and the amounts of any effluents that may be released offsite. There would also be no significant increase in occupational or public radiation exposure. Therefore, there would be no significant radiological environmental impacts associated with the proposed action.

The proposed action would not impact land, air, or water resources, including biota. In addition, the proposed action would not result in any socioeconomic or environmental justice impacts or impacts to historic and cultural resources. Therefore, there would also be no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that the issuance of the requested amendment would not result in significant environmental impacts.

Details of the NRC's evaluation will be provided in a letter to the licensee.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denying the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the license amendment request would result in no change in current environmental conditions at the DCPP.

Alternative Use of Resources

The proposed action would not involve the use of any resources.

Agencies and Persons Consulted

The staff did not consult with any other Federal Agency or State of California agencies regarding the environmental impact of the proposed action.

III. Finding of No Significant Impact

The licensee has requested license amendments to permit licensee security personnel in the performance of official duties, to transfer, receive, possess, transport, import, and use certain firearms, and large capacity ammunition feeding devices not previously permitted to be owned or possessed notwithstanding State, local, and certain Federal firearms laws, including regulations that would otherwise prohibit such actions.

On the basis of the information presented in this environmental assessment, the NRC concludes that the proposed action would not cause any significant environmental impact and would not have a significant effect on the quality of the human environment. In addition, the NRC has determined that an environmental impact statement is not necessary for the evaluation of this proposed action.

Other than the licensee's application dated September 24, 2013, there are no other environmental documents associated with this review. These documents are available for public inspection as indicated above.

Dated at Rockville, Maryland, this 8 day of December 2015.

For the Nuclear Regulatory Commission.

Robert J. Pascarelli,

Chief, Plant Licensing Branch IV–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–31529 Filed 12–14–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016–27 and CP2016–33; Order No. 2860]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Express & Priority Mail Contract 24 negotiated service agreement to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 16, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Express & Priority Mail Contract 24 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

[1] Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 24 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, December 8, 2015 (Request).

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016–27 and CP2016–33 to consider the Request pertaining to the proposed Priority Mail Express & Priority Mail Contract 24 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than December 16, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints James F. Callow to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2016–27 and CP2016–33 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than December 16, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2015–31486 Filed 12–14–15; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Parcel Select Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

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

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 8, 2015, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Parcel Select Contract 11 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2016–28, CP2016–34.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–31448 Filed 12–14–15; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

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

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 8, 2015, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 160 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2016–29, CP2016–35.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–31454 Filed 12–14–15; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

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

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 8, 2015, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 24 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2016–27, CP2016–33.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–31451 Filed 12–14–15; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76602; File No. SR–EDGA–2015–44]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of EDGA Exchange, Inc.

December 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 1, 2015, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fees and rebates applicable to Members [5] of the Exchange pursuant to EDGA Rule 15.1(a) and (c) (''Fee Schedule'') to increase the fee for orders yielding fee code K, which routes to NASDAQ OMX PSX (''PSX'') using ROUC or ROUE routing strategy.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to increase the fee for orders yielding fee code K, which routes to PSX using ROUC or ROUE routing strategy. In securities priced at or above $1.00, the Exchange currently assesses a fee of $0.0028 per share for Members' orders that yield fee code K. The Exchange proposes to amend its Fee Schedule to increase this fee to $0.0029 per share. The proposed change would enable the Exchange to pass through the rate that BATS Trading, Inc. (''BATS Trading''), the Exchange's affiliated routing broker-dealer, is charged for routing orders to PSX when it does not qualify for a volume tiered reduced fee. The proposed change is in response to PSX's December 2015 fee change where PSX increased the fee to remove liquidity via routable order types it charges its customers, from a fee of $0.0027 per share to a fee of $0.0028 per share for Tapes A and B securities and from a fee of $0.0028 per share to $0.0029 per share for Tape C securities.[6] When BATS Trading routes to PSX, it will now be charged a standard rate of $0.0028 per share for Tapes A and B securities and $0.0029 per share for Tape C securities.[7] BATS Trading will pass through this rate to the Exchange and the Exchange, in turn, will pass through of a rate of $0.0029 per share for Tape A, B, and C securities to its Members.[8] The proposed increase to the fee under fee code K would enable the Exchange to equitably allocate its costs among all Members utilizing fee code K. The Exchange proposes to implement this amendment to its Fee Schedule immediately.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[9] in general, and furthers the objectives of Section 6(b)(4),[10] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes that its proposal to increase the fee for Members' orders that yield fee code K represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities because the Exchange does not levy additional fees or offer additional rebates for orders that it routes to PSX through BATS Trading. As of December 1, 2015, PSX increased the fee to remove liquidity from a fee of $0.0027 per share to a fee of $0.0028 per share for Tapes A and B securities and from a fee of $0.0028 per share to $0.0029 per share for Tape C securities.[11] Therefore, the Exchange believes that its proposal to pass through a fee of $0.0029 per share for orders that yield fee code K is equitable and reasonable because it accounts for the pricing changes on PSX. In addition, the proposal allows the Exchange to now charge its Members a pass-through rate for orders that are routed to PSX. Furthermore, the Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[6] *See* Equity Trader Alert 2015–189, *available at http://www.nasdaqtrader.com/TraderNews.aspx?id=ETA-2015-189.*

[7] The Exchange notes that to the extent BATS Trading does or does not achieve any volume tiered reduced fee on PSX, its rate for fee code K will not change.

[8] The Exchange notes that, due to billing system limitations that do not allow for separate rates by tape, it will pass through the higher fee of $0.0029 per share for all Tapes A, B & C securities.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

[11] *See* supra *note 4.*

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that this change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. The Exchange believes that its proposal to pass through a fee of $0.0029 per share for Members' orders that yield fee code K would increase intermarket competition because it offers customers an alternative means to route to PSX. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f) of Rule 19b–4 thereunder.[13] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGA–2015–44 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGA–2015–44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGA–2015–44, and should be submitted on or before January 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–31443 Filed 12–14–15; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76599; File No. SR–NYSE–2015–65]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to NYSE Trades Market Data Product Offering

December 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 24, 2015, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Trades market data product offering. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of 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 the NYSE Trades market data feed product offering.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

NYSE Trades is an NYSE-only last-sale market data feed. NYSE Trades currently allows vendors, broker-dealers and others to make available on a real-time basis the same last sale information that the Exchange reports under the Consolidated Tape Association (''CTA'') Plan for inclusion in the CTA Plan's consolidated data streams. Specifically, the NYSE Trades feed includes, for each security traded on the Exchange, the real-time last sale price, time and size information and bid/ask quotations at the time of each sale and a stock summary message. The stock summary message updates every minute and includes NYSE's opening price, high price, low price, closing price, and cumulative volume for the security.[3]

The Exchange proposes to remove the bid/ask information from the NYSE Trades feed, thereby focusing the NYSE Trades feed on NYSE last sale information. This change would streamline the NYSE Trades content, as well as align NYSE Trades content with that of last sale data feeds offered by other exchanges.[4] The NYSE BBO data feed includes, and would continue to include, the best bids and offers for all securities that are traded on the Exchange for which NYSE reports quotes under the Consolidated Quotation (''CQ'') Plan for inclusion in the CQ Plan's consolidated quotation information data stream.[5] The Exchange would continue to make NYSE last sale information available through NYSE Trades immediately after it provides last sale information to the processor under the CTA Plan.

The Exchange expects to offer both the current NYSE Trades data product and the proposed NYSE Trades data product for a limited transition period. After the transition period, the Exchange would stop offering the current NYSE Trades data product and offer only the NYSE Trades data product proposed in this filing. The Exchange would announce the transition dates in advance. There would be no change to the fees for NYSE Trades in connection with the proposed changes.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[6] of the Act, in general, and furthers the objectives of Section 6(b)(5)[7] of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers.

The Exchange believes that modifying the NYSE Trades product to remove the bid/ask information it currently includes and to provide only NYSE last sale information would streamline the product and clarify the purpose and use for each of the NYSE proprietary market data products. NYSE Trades' content, as proposed, would be consistent with that of last sale data feeds offered by other exchanges, which similarly offer last sale market data products that do not include bid and offer information.[8]

In addition, the proposal would not permit unfair discrimination because the product would be available to all of the Exchange's market data vendors and customers on an equivalent basis.

In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the data product modification proposed herein, focusing the NYSE Trades feed on last sale data by removing the bid/ask data, is precisely the sort of market data product enhancement that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by lessening regulation of the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

> [E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[9]

By removing ''unnecessary regulatory restrictions'' on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history.

The Exchange further notes that the existence of alternatives to the Exchange's products, including real-time consolidated data, free delayed consolidated data, and proprietary data from other sources, ensures that the Exchange is not unreasonably discriminatory because vendors and subscribers can elect these alternatives. In addition, the proposal would not permit unfair discrimination because the modified product would be available to all of the Exchange's vendors and customers on an equivalent basis.

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 market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary to the creation of proprietary data. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. This proprietary data is produced by each individual exchange, as well as other entities (such as internalizing broker-dealers and various forms of alternative trading systems, including dark pools and electronic communication networks), in a vigorously competitive market. It is common for market participants to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

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[3] *See* Securities Exchange Act Release Nos. 59309 (Jan. 28, 2009), 74 FR 6073 (Feb. 4, 2009) (SR–NYSE–2009–04), 69272 (April 2, 2013), 78 FR 20983 (April 8, 2013) (SR–NYSE–2013–23) and 70066 (July 30, 2013), 78 FR 47474 (Aug. 5, 2013) (SR–NYSE–2013–53).

[4] *See* NASDAQ Rule 7039 (Nasdaq Last Sale) and BATS Rule 11.22(g) (BATS Last Sale).

[5] *See* Securities Exchange Act Release No. 72327 (June 5, 2014), 79 FR 33625 (June 11, 2014) (SR–NYSE–2014–27).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *See supra* note 4.

[9] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (File No. S7–10–04).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

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) [12] 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–2015–65 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–2015–65. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2015–65, and should be submitted on or before January 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–31440 Filed 12–14–15; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

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 17, 2015 at 10:30 a.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), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; 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 10, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–31579 Filed 12–11–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76596; File No. SR–BATS–2015–111]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 19.6, Series of Options Contracts Open for Trading

December 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 2, 2015, BATS Exchange, Inc. (''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal for the Exchange's equity options platform (''BZX Options'') to amend Interpretation and Policy .07 (Mini Options Contracts) to Rule 19.6 (Series of Options Contracts Open for Trading).

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Interpretation and Policy .07 to Rule 19.6 regarding Mini Options Contracts traded on BZX Options, to replace the name ''Google Inc.'' with ''Alphabet Inc.'' Google Inc. (''Google'') recently reorganized to create a new public holding company called Alphabet Inc. (''Alphabet''). As a result of the holding company reorganization, each share of Class A Common Stock (''GOOG''), which the Exchange has listed as a Mini Options Contract, has automatically converted into an equivalent corresponding share of Alphabet Inc. stock. The Exchange also proposes to change symbol ''GOOG'' in Interpretation and Policy .07 to Rule 19.6 to ''GOOGL'' to make the BZX Options Alphabet Class A Common Stock Mini Options Contract symbol consistent with the Alphabet symbols used across the national exchanges.

The Exchange proposes this change to Interpretation and Policy .07 to enable the Exchange to list and trade Mini Options Contract on Google, now Alphabet, Class A shares. The Exchange is proposing to make this change because, on October 5, 2015 Google reorganized and as a result underwent a name change.

The purpose of this change is to ensure that Interpretation and Policy .07 to Rule 19.6 reflects the Exchange's intention to be able to list and trade Mini Options on an exhaustive list of underlying securities enumerated in Interpretation and Policy .07 to Rule 19.6. This change is meant to continue the inclusion of Class A shares of Google (now Alphabet) in the current list of underlying securities that Mini Options Contracts can be traded on, while making clear that Class C Capital Stock shares of Google (now Alphabet) are not part of that list as that class of options has not been approved for Mini Options Contracts trading. As a result, the proposed change will help avoid confusion.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[3] Specifically, the proposal is consistent with Section 6(b)(5) of the Act [4] because it would 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, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [5] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposal to change the name Google to Alphabet to reflect the new ownership structure is consistent with the Act because the proposed change merely updates the current name to allow for continued Mini Options Contracts trading on Google's (now Alphabet) Class A shares and changes the symbol ''GOOG'' to ''GOOGL'' to be consistent with other national exchanges. The proposed change will allow for continued benefit to investors by enabling the Exchange to provide them with additional investment alternatives.

(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 does not impose any burden on intra-market competition because it applies to all members and member organizations uniformly. There is no burden on inter-market competition because the exchange [sic] is merely attempting to continue to have the ability to list and trade Class A shares of the company formerly known as Google, now Alphabet, as a Mini Option Contract. Additionally, the changing the ''GOOG'' symbol to ''GOOGL'' will be a change in name-only. The new symbol will continue to represent shares of Google's (now Alphabet's) Class A shares. As a result, there will be no substantive changes to the Exchange's operations or its rules.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [6] and Rule 19b–4(f)(6) thereunder.[7]

A proposed rule change filed under Rule 19b–4(f)(6) [8] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii) [9] the Commission may designate a shorter time if such

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] *Id.*

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to accurately reflect the new ownership structure and ticker symbol for Alphabet Class A shares and to continue to list and trade mini options on Alphabet's Class A shares, formerly Google Class A shares. For these reasons, the Commission designates the proposed rule change to be operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2015–111 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2015–111. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2015–111, and should be submitted on or before January 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–31437 Filed 12–14–15; 8:45 am]

BILLING CODE 8011–01–P

[10] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76601; File No. SR–NYSEMKT–2015–98]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 123C—Equities To Define the Term ''Official Closing Price''

December 9, 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 25, 2015, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 123C—Equities to define the term ''Official Closing Price.'' 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 123C—Equities (''Rule 123C'') to define the term ''Official Closing Price'' and specify how the Exchange would determine the Official Closing Price for all securities listed on the Exchange.

Currently, if the Exchange does not conduct a closing transaction in a security, it does not specify any closing price information about that security.[4] The Exchange proposes to amend Rule 123C to define the term ''Official Closing Price'' and specify how such price would be determined. The Exchange's proposed rule is similar to rules of other listing exchanges, which similarly define an Official Closing Price.[5]

[4] For example, if there is insufficient interest, *e.g.,* the highest price order to buy is priced lower than the lowest price order to sell and there are no market orders for the closing transaction, the Exchange will not hold a closing auction. Similarly, if a security is subject to a regulatory halt as of 4:00 p.m. Eastern Time, the Exchange will not conduct a closing auction in that security.

[5] *See, e.g.,* NYSE Arca Equities, Inc. (''NYSE Arca Equities'') Rule 1.1(ggP) (defining the term ''Official Closing Price''); NASDAQ Stock Market LLC (''Nasdaq'') Rules 4754(b)(4) and (b)(6)(A)(ii) (defining the term ''Official Closing Price''); and

As proposed, Rule 123C(1)(e) would provide that the Official Closing Price of a security listed on the Exchange would be determined as set forth in proposed Rules 123C(1)(e)(i) and (ii). Proposed Rule 123C(1)(e)(i) would provide that the Official Closing Price would be the price established in a closing transaction under paragraphs (7) and (8) of Rule 123C of one round lot or more. As further proposed, if there is no closing transaction in a security or if a closing transaction is less than one round lot, the Official Closing Price would be the most recent last-sale eligible trade in such security on the Exchange on that trading day. For example, there would not be a closing transaction in a security if there is insufficient trading interest for a closing transaction of a round lot or more or because the security has been halted as of 4:00 p.m. Eastern Time. If there were no closing transaction and no last-sale eligible trades on the Exchange on that trading day, the Exchange proposes that the Official Closing Price would be the prior day's Official Closing Price. As such, the Exchange would carry over the prior day's Official Closing Price for a security until such time that there is either a closing transaction on the Exchange or a last-sale eligible trade on the Exchange in such security.

For example, if on Monday, a security trades on the NYSE at 3:00 p.m. for $10.00, but there is no closing transaction, the Official Closing Price for that security on Monday would be $10.00. If on Tuesday there are no trades in that security on the Exchange and no closing transaction, Tuesday's Official Closing Price would be the Official Closing Price for the prior day, which was $10.00. Similarly, if on Wednesday, there are still no trades on the Exchange in that security, Wednesday's Official Closing Price would be Tuesday's Official Closing Price, which was $10.00. The Official Closing Price for the security would continue to be $10.00 until there is either a closing transaction or a last-sale eligible trade on the Exchange on a trading day in the security.

As further proposed, Rule 123C(1)(e)(ii) would provide that if the Exchange were unable to conduct a closing transaction due to a systems or technical issue, the Official Closing Price would be the last consolidated last-sale eligible trade during regular trading hours on that trading day.[6] This proposed rule is similar to New York Stock Exchange LLC (''NYSE'') Rule 440B(c)(3), which provides that the NYSE will use the consolidated last sale price for determining whether to trigger a Short Sale Price Test under that rule if there is no closing transaction due to a systems or technical issue. Similar to the NYSE, the Exchange proposes to use the consolidated last sale price rather than the Exchange last sale price when there is a systems or technical issue preventing the Exchange from conducting an auction because trading may be continuing on other markets while the Exchange's systems are impaired, and therefore the Exchange's last sale price may not be reflective of the most recent price of a security.

Proposed Rule 123C(1)(e)(ii) would further provide that if there were no consolidated last-sale eligible trades in a security on a trading day when the Exchange is unable to conduct a closing transaction in a security or securities due to a systems or technical issue, the Official Closing Price of such security would be the prior day's Official Closing Price. The Exchange notes that this proposal differs from NYSE Rule 440B(c)(3), which provides that if trading is interrupted on the Exchange because of a systems or technical issue and not restored on that trading day, the Exchange would use the most recent consolidated last sale price for that security on the most recent day on which the security traded for purposes of determining whether the short sale price test restrictions of Rule 201 of Regulation SHO are triggered. The Exchange believes that using the last Official Closing Price from the prior trading day instead of the most recent consolidated last-sale price would incorporate the Exchange's proposed new methodology for determining the Official Closing Price, as described above.

For example, assuming the same facts as the scenario described above, when $10.00 is the Official Closing Price on Tuesday and Wednesday, if on Thursday, the Exchange experiences a systems issue and is not able to conduct a closing transaction in that security and there is no consolidated last sale for that trading day, the Official Closing Price would again be $10.00.

The Exchange also proposes to change Rule 123C(8) to use the term ''closing transaction,'' instead of ''closing print.'' This change would conform the terminology in Rule 123C(8) to Rule 123C(7) and proposed Rule 123C(1)(e).

Finally, the Exchange proposes to make conforming amendments to Rule 440B—Equities (''Rule 440B''), which governs Short Sales. Rule 440B(b) currently sets forth the procedures for a Short Sale Price Test and provides that Exchange systems will not execute or display a short sale order with respect to a covered security at a price that is less than or equal to the current national best bid if the price of that security decreases by 10% of more, as determined by the listing market for the security, from the security's closing price on the listing market as of the end of regular trading hours on the prior day (''Trigger Price''). If the Exchange does not have a closing transaction in a security, it currently uses the last sale price on the Exchange as the Trigger Price. Rule 440B(c)(2) further provides that if a covered security did not trade on the Exchange on the prior trading day (due to a trading halt, trading suspension, or otherwise) the Exchange's determination of the Trigger Price shall be based on the last sale price on the Exchange for that security on the most recent day on which the security traded.

The Exchange proposes to use the new definition of ''Official Closing Price'' in Rule 440B. As proposed, Rule 440B(b) would provide that Exchange systems would not execute or display a short sale order with respect to a covered security at a price that is less than or equal to the current national best bid if the price of that security decreases by 10% or more, as determined by the listing market for that security, from the security's *Official Closing Price, as defined in Rule 123C—Equities* as of the end of regular trading hours on the prior day (''Trigger Price''). (emphasis added)

As discussed above, the proposed new definition of Official Closing Price would incorporate what price the Exchange would use in circumstances when there is no closing auction. Consistent with current Rule 440B(c)(2), proposed Rule 123C(1)(e)(i) would provide that if there is no auction in a security, the last-sale eligible trade on the Exchange would be the Official Closing Price. In addition, similar to NYSE Rule 440B(c)(3), proposed Rule 123C(1)(e)(ii) would provide that if the Exchange is unable to conduct a closing auction because of a systems or

BATS Exchange, Inc. (''BATS'') Rule 11.23(c)(2)(B) (determining the BATS Official Closing Price).

[6] The Exchange is in the process of working with Nasdaq and NYSE Arca to establish back-up procedures if one or more of these markets is unable to conduct an auction. *See* NYSE press release dated July 22, 2015, available here: *http://ir.theice.com/press-and-publications/press-releases/all-categories/2015/07-22-2015.aspx.* In connection with this initiative, the Exchange notes that it will file a separate proposed rule change to amend the definition of ''Official Closing Price'' to address how the markets would serve as alternate back-up venues. Until such time, the Exchange proposes to use the last consolidated last-sale eligible price as the Official Closing Price if the Exchange is unable to conduct an auction because of systems or technical issues.

technical issue, the last consolidated last-sale eligible trade on that trading day would be the Official Closing Price. Accordingly, the Exchange proposes a substantive difference to provide that if there is no consolidated last-sale price, the Exchange would use the prior day's Official Closing Price. Because the proposed definition of Official Closing Price would address the circumstances specified in Rule 440B(c)(2), the Exchange proposes to delete Rule 440B(c)(2) as redundant of the proposed use of ''Official Closing Price'' in Rule 440B(b).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would provide transparency in how the Exchange would determine the Official Closing Price in all Exchange-listed securities, regardless of whether there was a closing transaction. The Exchange believes that using the Exchange's last sale price as the Official Closing Price if there is no closing transaction would remove impediments to and perfect the mechanism of a free and open market because if there is insufficient trading interest for an auction, the last sale price on the Exchange in such security would likely reflect the most recent price for that security. The Exchange further believes that using the consolidated last sale price as the Official Closing Price if the Exchange is experiencing a system or technical issue that impairs the ability to conduct a closing transaction would remove impediments to and perfect the mechanism of a free and open market because if the Exchange's systems are not functioning, but other markets are trading, the consolidated last sale price on a trading day would likely reflect the most recent price for that security.

The Exchange believes that amending Rule 440B to similarly use the term Official Closing Price would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would promote transparency and consistency across Exchange rules. In particular, Rule 440B references the closing price on the listing market at the end of the regular trading hours for purposes of determining the Trigger Price under that rule. By using the term ''Official Closing Price'' in Rule 440B(b), the Exchange would be using a defined term and would obviate the need to separately describe the events currently set forth in Rule 440B(c)(2).

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 designed to address any competitive issues, but rather to provide greater transparency in Exchange rules regarding how the Exchange would determine the Official Closing Price for all securities listed on the Exchange.

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,[9] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

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)[12] 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–2015–98 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–2015–98. 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

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] The Exchange has fulfilled this requirement.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(2)(B).

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–2015–98 and should be submitted on or before January 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–31442 Filed 12–14–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76603; File No. SR–EDGX–2015–58]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of EDGX Exchange, Inc.

December 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 1, 2015, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fees and rebates applicable to Members[5] of the Exchange pursuant to EDGX Rule 15.1(a) and (c) (''Fee Schedule'') to increase the fee for orders yielding fee code K, which routes to NASDAQ OMX PSX (''PSX'') using ROUC or ROUE routing strategy.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to increase the fee for orders yielding fee code K, which routes to PSX using ROUC or ROUE routing strategy. In securities priced at or above $1.00, the Exchange currently assesses a fee of $0.0028 per share for Members' orders that yield fee code K. The Exchange proposes to amend its Fee Schedule to increase this fee to $0.0029 per share. The proposed change would enable the Exchange to pass through the rate that BATS Trading, Inc. (''BATS Trading''), the Exchange's affiliated routing broker-dealer, is charged for routing orders to PSX when it does not qualify for a volume tiered reduced fee. The proposed change is in response to PSX's December 2015 fee change where PSX increased the fee to remove liquidity via routable order types it charges its customers, from a fee of $0.0027 per share to a fee of $0.0028 per share for Tapes A and B securities and from a fee of $0.0028 per share to $0.0029 per share for Tape C securities.[6] When BATS Trading routes to PSX, it will now be charged a standard rate of $0.0028 per share for Tapes A and B securities and $0.0029 per share for Tape C securities.[7] BATS Trading will pass through this rate to the Exchange and the Exchange, in turn, will pass through of a rate of $0.0029 per share for Tape A, B, and C securities to its Members.[8] The proposed increase to the fee under fee code K would enable the Exchange to equitably allocate its costs among all Members utilizing fee code K. The Exchange proposes to implement this amendment to its Fee Schedule immediately.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[9] in general, and furthers the objectives of Section 6(b)(4),[10] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes that its proposal to increase the fee for Members' orders that yield fee code K represents an equitable allocation of reasonable dues, fees, and other charges among Members and other persons using its facilities because the Exchange does not levy additional fees or offer additional rebates for orders that it routes to PSX through BATS Trading. As of December 1, 2015, PSX increased the fee to remove liquidity from a fee of $0.0027 per share to a fee of $0.0028 per share for Tapes A and B securities and from a fee of $0.0028 per share to $0.0029 per share for Tape C securities.[11] Therefore, the Exchange believes that its proposal to pass through a fee of $0.0029 per share for orders that yield fee code K is equitable and reasonable because it accounts for the pricing changes on PSX. In addition, the proposal allows the Exchange to now charge its Members a pass-through rate for orders that are routed to PSX.

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[6] *See* Equity Trader Alert 2015–189, *available at http://www.nasdaqtrader.com/TraderNews.aspx?id=ETA-2015-189.*

[7] The Exchange notes that to the extent BATS Trading does or does not achieve any volume tiered reduced fee on PSX, its rate for fee code K will not change.

[8] The Exchange notes that, due to billing system limitations that do not allow for separate rates by tape, it will pass through the higher fee of $0.0029 per share for all Tapes A, B & C securities.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

[11] *See* supra *note 4.*

Furthermore, the Exchange notes that routing through BATS Trading is voluntary. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that this change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. The Exchange believes that its proposal to pass through a fee of $0.0029 per share for Members' orders that yield fee code K would increase intermarket competition because it offers customers an alternative means to route to PSX. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f) of Rule 19b–4 thereunder.[13] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2015–58 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2015–58. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGX–2015–58, and should be submitted on or before January 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–31444 Filed 12–14–15; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76600; File No. SR–NYSEMKT–2015–101]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to NYSE MKT Trades Market Data Product Offering

December 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 24, 2015, NYSE MKT LLC (''NYSE MKT'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE MKT Trades market data product offering. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the NYSE MKT Trades market data feed product offering.

NYSE MKT Trades is an NYSE MKT-only last-sale market data feed. NYSE MKT Trades currently allows vendors, broker-dealers and others to make available on a real-time basis the same last sale information that the Exchange reports under the Consolidated Tape Association (''CTA'') Plan for inclusion in the CTA Plan's consolidated data streams. Specifically, the NYSE MKT Trades feed includes, for each security traded on the Exchange, the real-time last sale price, time and size information and bid/ask quotations at the time of each sale and a stock summary message. The stock summary message updates every minute and includes NYSE MKT's opening price, high price, low price, closing price, and cumulative volume for the security.[3]

The Exchange proposes to remove the bid/ask information from the NYSE MKT Trades feed, thereby focusing the NYSE MKT Trades feed on NYSE MKT last sale information. This change would streamline the NYSE MKT Trades content, as well as align NYSE MKT Trades content with that of last sale data feeds offered by other exchanges.[4] The NYSE MKT BBO data feed includes, and would continue to include, the best bids and offers for all securities that are traded on the Exchange for which NYSE MKT reports quotes under the Consolidated Quotation (''CQ'') Plan for inclusion in the CQ Plan's consolidated quotation information data stream.[5] The Exchange would continue to make NYSE MKT last sale information available through NYSE MKT Trades immediately after it provides last sale information to the processor under the CTA Plan.

The Exchange expects to offer both the current NYSE MKT Trades data product and the proposed NYSE MKT Trades data product for a limited transition period. After the transition period, the Exchange would stop offering the current NYSE MKT Trades data product and offer only the NYSE MKT Trades data product proposed in this filing. The Exchange would announce the transition dates in advance. There would be no change to the fees for NYSE MKT Trades in connection with the proposed changes.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[6] of the Act, in general, and furthers the objectives of Section 6(b)(5)[7] of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers.

The Exchange believes that modifying the NYSE MKT Trades product to remove the bid/ask information it currently includes and to provide only NYSE MKT last sale information would streamline the product and clarify the purpose and use for each of the NYSE MKT proprietary market data products. NYSE MKT Trades' content, as proposed, would be consistent with that of last sale data feeds offered by other exchanges, which similarly offer last sale market data products that do not include bid and offer information.[8]

In addition, the proposal would not permit unfair discrimination because the product would be available to all of the Exchange's market data vendors and customers on an equivalent basis.

In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the data product modification proposed herein, focusing the NYSE MKT Trades feed on last sale data by removing the bid/ask data, is precisely the sort of market data product enhancement that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by lessening regulation of the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

> [E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[9]

By removing ''unnecessary regulatory restrictions'' on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history.

The Exchange further notes that the existence of alternatives to the Exchange's products, including real-time consolidated data, free delayed consolidated data, and proprietary data from other sources, ensures that the Exchange is not unreasonably discriminatory because vendors and subscribers can elect these alternatives. In addition, the proposal would not permit unfair discrimination because the modified product would be available to all of the Exchange's vendors and customers on an equivalent basis.

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 market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary to the creation of proprietary data. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. This proprietary data is produced by each individual exchange, as well as other entities (such as internalizing broker-dealers and various forms of alternative trading systems, including dark pools and electronic communication networks), in a vigorously competitive market. It is common for market participants to further and exploit this competition by sending their order flow and transaction

[3] *See* Securities Exchange Act Release Nos. 62187 (May 27, 2010), 75 FR 31500 (June 3, 2010) (SR–NYSEAmex–2010–35), 70065 (July 30, 2013), 78 FR 47450 (Aug. 5, 2013) (SR–NYSEMKT–2013–64) and 69273 (April 2, 2013), 78 FR 20969 (April 8, 2013) (SR–NYSEMKT–2013–30).

[4] *See* NASDAQ Rule 7039 (Nasdaq Last Sale) and BATS Rule 11.22(g) (BATS Last Sale).

[5] *See* Securities Exchange Act Release No. 72326 (June 5, 2014), 79 FR 33605 (June 11, 2014) (SR–NYSEMKT–2014–49).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *See supra* note 4.

[9] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (File No. S7–10–04).

reports to multiple markets, rather than providing them all to a single market.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

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) [12] 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–2015–101 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–2015–101. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2015–101, and should be submitted on or before January 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–31441 Filed 12–14–15; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76597; File No. SR–EDGX–2015–60]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 19.6, Series of Options Contracts Open for Trading

December 9, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 2, 2015, EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal for the Exchange's equity options platform (''EDGX Options'') to amend Interpretation and Policy .07 (Mini Options Contracts) to Rule 19.6 (Series of Options Contracts Open for Trading).

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Interpretation and Policy .07 to Rule 19.6 regarding Mini Options Contracts traded on EDGX Options, to replace the name ''Google Inc.'' with ''Alphabet Inc.'' Google Inc. (''Google'') recently reorganized to create a new public holding company called Alphabet Inc. (''Alphabet''). As a result of the holding company reorganization, each share of Class A Common Stock (''GOOG''), which the Exchange has listed as a Mini Options Contract, has automatically converted into an equivalent corresponding share of Alphabet Inc. stock. The Exchange also proposes to change symbol ''GOOG'' in Interpretation and Policy .07 to Rule 19.6 to ''GOOGL'' to make the EDGX Options Alphabet Class A Common Stock Mini Options Contract symbol consistent with the Alphabet symbols used across the national exchanges.

The Exchange proposes this change to Interpretation and Policy .07 to enable the Exchange to list and trade Mini Options Contract on Google, now Alphabet, Class A shares. The Exchange is proposing to make this change because, on October 5, 2015 Google reorganized and as a result underwent a name change.

The purpose of this change is to ensure that Interpretation and Policy .07 to Rule 19.6 reflects the Exchange's intention to be able to list and trade Mini Options on an exhaustive list of underlying securities enumerated in Interpretation and Policy .07 to Rule 19.6. This change is meant to continue the inclusion of Class A shares of Google (now Alphabet) in the current list of underlying securities that Mini Options Contracts can be traded on, while making clear that Class C Capital Stock shares of Google (now Alphabet) are not part of that list as that class of options has not been approved for Mini Options Contracts trading. As a result, the proposed change will help avoid confusion.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[3] Specifically, the proposal is consistent with Section 6(b)(5) of the Act[4] because it would 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, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposal to change the name Google to Alphabet to reflect the new ownership structure is consistent with the Act because the proposed change merely updates the current name to allow for continued Mini Options Contracts trading on Google's (now Alphabet) Class A shares and changes the symbol ''GOOG'' to ''GOOGL'' to be consistent with other national exchanges. The proposed change will allow for continued benefit to investors by enabling the Exchange to provide them with additional investment alternatives.

(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 does not impose any burden on intra-market competition because it applies to all members and member organizations uniformly. There is no burden on inter-market competition because the exchange [sic] is merely attempting to continue to have the ability to list and trade Class A shares of the company formerly known as Google, now Alphabet, as a Mini Option Contract. Additionally, the changing the ''GOOG'' symbol to ''GOOGL'' will be a change in name-only. The new symbol will continue to represent shares of Google's (now Alphabet's) Class A shares. As a result, there will be no substantive changes to the Exchange's operations or its rules.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] *Id.*

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7]

A proposed rule change filed under Rule 19b–4(f)(6)[8] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii)[9] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to accurately reflect the new ownership structure and ticker symbol for Alphabet Class A shares and to continue to list and trade mini options on Alphabet's Class A shares, formerly Google Class A shares. For these reasons, the Commission designates the proposed rule change to be operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2015–60 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2015–60. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGX–2015–60, and should be submitted on or before January 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–31438 Filed 12–14–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In The Matter of Oxford City Football Club, Inc.; Order of Suspension of Trading

December 11, 2015.

Oxford City Football Club, Inc., (''Oxford City'') is a Florida corporation with principal place of business listed as Deerfield Beach, Florida. Its stock is quoted on the OTCBB and OTC Link using the ticker symbol ''OXFC.'' It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Oxford City because of questions regarding the accuracy of assertions by Oxford City and its CEO Thomas A. Guerriero, and by others, in press releases and other statements to investors concerning, among other things: (1) The company's assets; (2) projections for the company's income; (3) the nature of the company's management; and (4) other general corporate plans and information.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EST, on December 11, 2015, through 11:59 p.m. EST on December 24, 2015.

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2015–31597 Filed 12–11–15; 11:15 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76598; File No. SR–NYSE–2015–62]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 123C To Define the Term ''Official Closing Price''

December 9, 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 25, 2015, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 123C to define the term ''Official Closing Price.'' 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 123C to define the term ''Official

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

Closing Price'' and specify how the Exchange would determine the Official Closing Price for all securities listed on the Exchange.

Currently, if the Exchange does not conduct a closing transaction in a security, it does not specify any closing price information about that security.[4] The Exchange proposes to amend Rule 123C to define the term ''Official Closing Price'' and specify how such price would be determined. The Exchange's proposed rule is similar to rules of other listing exchanges, which similarly define an Official Closing Price.[5]

As proposed, Rule 123C(1)(e) would provide that the Official Closing Price of a security listed on the Exchange would be determined as set forth in proposed Rules 123C(1)(e)(i) and (ii). Proposed Rule 123C(1)(e)(i) would provide that the Official Closing Price would be the price established in a closing transaction under paragraphs (7) and (8) of Rule 123C of one round lot or more. As further proposed, if there is no closing transaction in a security or if a closing transaction is less than one round lot, the Official Closing Price would be the most recent last-sale eligible trade in such security on the Exchange on that trading day. For example, there would not be a closing transaction in a security if there is insufficient trading interest for a closing transaction of a round lot or more or because the security has been halted as of 4:00 p.m. Eastern Time. If there were no closing transaction and no last-sale eligible trades on the Exchange on that trading day, the Exchange proposes that the Official Closing Price would be the prior day's Official Closing Price. As such, the Exchange would carry over the prior day's Official Closing Price for a security until such time that there is either a closing transaction on the Exchange or a last-sale eligible trade on the Exchange in such security.

For example, if on Monday, a security trades on the NYSE at 3:00 p.m. for $10.00, but there is no closing transaction, the Official Closing Price for that security on Monday would be $10.00. If on Tuesday there are no trades in that security on the Exchange and no closing transaction, Tuesday's Official Closing Price would be the Official Closing Price for the prior day, which was $10.00. Similarly, if on Wednesday, there are still no trades on the Exchange in that security, Wednesday's Official Closing Price would be Tuesday's Official Closing Price, which was $10.00. The Official Closing Price for the security would continue to be $10.00 until there is either a closing transaction or a last-sale eligible trade on the Exchange on a trading day in the security.

As further proposed, Rule 123C(1)(e)(ii) would provide that if the Exchange were unable to conduct a closing transaction due to a systems or technical issue, the Official Closing Price would be the last consolidated last-sale eligible trade during regular trading hours on that trading day.[6] This proposed rule is similar to current Rule 440B(c)(3), which provides that the Exchange will use the consolidated last sale price for determining whether to trigger a Short Sale Price Test under that rule if there is no closing transaction due to a systems or technical issue. The Exchange proposes to use the consolidated last sale price rather than the Exchange last sale price when there is a systems or technical issue preventing the Exchange from conducting an auction because trading may be continuing on other markets while the Exchange's systems are impaired, and therefore the Exchange's last sale price may not be reflective of the most recent price of a security.

Proposed Rule 123C(1)(e)(ii) would further provide that if there were no consolidated last-sale eligible trades in a security on a trading day when the Exchange is unable to conduct a closing transaction in a security or securities due to a systems or technical issue, the Official Closing Price of such security would be the prior day's Official Closing Price. The Exchange notes that this proposal differs from current Rule 440B(c)(3), which provides that if trading is interrupted on the Exchange because of a systems or technical issue and not restored on that trading day, the Exchange would use the most recent consolidated last sale price for that security on the most recent day on which the security traded for purposes of determining whether the short sale price test restrictions of Rule 201 of Regulation SHO are triggered. The Exchange believes that using the last Official Closing Price from the prior trading day instead of the most recent consolidated last-sale price would incorporate the Exchange's proposed new methodology for determining the Official Closing Price, as described above.

For example, assuming the same facts as the scenario described above, when $10.00 is the Official Closing Price on Tuesday and Wednesday, if on Thursday, the Exchange experiences a systems issue and is not able to conduct a closing transaction in that security and there is no consolidated last sale for that trading day, the Official Closing Price would again be $10.00.

The Exchange also proposes to change Rule 123C(8) to use the term ''closing transaction,'' instead of ''closing print.'' This change would conform the terminology in Rule 123C(8) to Rule 123C(7) and proposed Rule 123C(1)(e).

Finally, the Exchange proposes to make conforming amendments to Rule 440B, which governs Short Sales. Rule 440B(b) currently sets forth the procedures for a Short Sale Price Test and provides that Exchange systems will not execute or display a short sale order with respect to a covered security at a price that is less than or equal to the current national best bid if the price of that security decreases by 10% or more, as determined by the listing market for the security, from the security's closing price on the listing market as of the end of regular trading hours on the prior day (''Trigger Price''). If the Exchange does not have a closing transaction in a security, it currently uses the last sale price on the Exchange as the Trigger Price.

Rule 440B(c)(2) further provides that if a covered security did not trade on the Exchange on the prior trading day (due to a trading halt, trading suspension, or otherwise) the Exchange's determination of the Trigger Price shall be based on the last sale price on the Exchange for that security on the most recent day on which the security traded. Rule 440B(c)(3) provides that if trading on the Exchange in a covered security is interrupted because of a systems or technical issue and is not restored during that trading day, the Exchange's determination of the Trigger Price shall be based on the consolidated last sale

[4] For example, if there is insufficient interest, *e.g.,* the highest price order to buy is priced lower than the lowest price order to sell and there are no market orders for the closing transaction, the Exchange will not hold a closing auction. Similarly, if a security is subject to a regulatory halt as of 4:00 p.m. Eastern Time, the Exchange will not conduct a closing auction in that security.

[5] *See, e.g.,* NYSE Arca Equities, Inc. (''NYSE Arca Equities'') Rule 1.1(ggP) (defining the term ''Official Closing Price''); NASDAQ Stock Market LLC (''Nasdaq'') Rules 4754(b)(4) and (b)(6)(A)(ii) (defining the term ''Official Closing Price''); and BATS Exchange, Inc. (''BATS'') Rule 11.23(c)(2)(B) (determining the BATS Official Closing Price).

[6] The Exchange is in the process of working with Nasdaq and NYSE Arca to establish back-up procedures if one or more of these markets is unable to conduct an auction. *See* NYSE press release dated July 22, 2015, available here: *http://ir.theice.com/press-and-publications/press-releases/all-categories/2015/07-22-2015.aspx.* In connection with this initiative, the Exchange notes that it will file a separate proposed rule change to amend the definition of ''Official Closing Price'' to address how the markets would serve as alternate back-up venues. Until such time, the Exchange proposes to use the last consolidated last-sale eligible price as the Official Closing Price if the Exchange is unable to conduct an auction because of systems or technical issues.

price for that security on the most recent day on which the security traded.

The Exchange proposes to use the new definition of ''Official Closing Price'' in Rule 440B. As proposed, Rule 440B(b) would provide that Exchange systems would not execute or display a short sale order with respect to a covered security at a price that is less than or equal to the current national best bid if the price of that security decreases by 10% or more, as determined by the listing market for that security, from the security's *Official Closing Price, as defined in Rule 123C* as of the end of regular trading hours on the prior day (''Trigger Price''). (emphasis added)

As discussed above, the proposed new definition of Official Closing Price would incorporate what price the Exchange would use in circumstances when there is no closing auction. Consistent with current Rule 440B(c)(2), proposed Rule 123C(1)(e)(i) would provide that if there is no auction in a security, the last-sale eligible trade on the Exchange would be the Official Closing Price. In addition, similar to Rule 440B(c)(3), proposed Rule 123C(1)(e)(ii) would provide that if the Exchange is unable to conduct a closing auction because of a systems or technical issue, the last consolidated last-sale eligible trade on that trading day would be the Official Closing Price. Accordingly, the Exchange proposes a substantive difference to provide that if there is no consolidated last-sale price, the Exchange would use the prior day's Official Closing Price. Because the proposed definition of Official Closing Price would address the circumstances specified in Rules 440B(c)(2) and (3), the Exchange proposes to delete Rules 440B(c)(2) and (c)(3) as redundant of the proposed use of ''Official Closing Price'' in Rule 440B(b).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would provide transparency in how the Exchange would determine the Official Closing Price in all Exchange-listed securities, regardless of whether there was a closing transaction. The Exchange believes that using the Exchange's last sale price as the Official Closing Price if there is no closing transaction would remove impediments to and perfect the mechanism of a free and open market because if there is insufficient trading interest for an auction, the last sale price on the Exchange in such security would likely reflect the most recent price for that security. The Exchange further believes that using the consolidated last sale price as the Official Closing Price if the Exchange is experiencing a system or technical issue that impairs the ability to conduct a closing transaction would remove impediments to and perfect the mechanism of a free and open market because if the Exchange's systems are not functioning, but other markets are trading, the consolidated last sale price on a trading day would likely reflect the most recent price for that security.

The Exchange believes that amending Rule 440B to similarly use the term Official Closing Price would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would promote transparency and consistency across Exchange rules. In particular, Rule 440B references the closing price on the listing market at the end of the regular trading hours for purposes of determining the Trigger Price under that rule. By using the term ''Official Closing Price'' in Rule 440B(b) the Exchange would be using a defined term and would obviate the need to separately describe the events currently set forth in Rules 440B(c)(2) and (3).

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 designed to address any competitive issues, but rather to provide greater transparency in Exchange rules regarding how the Exchange would determine the Official Closing Price for all securities listed on the Exchange.

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,[9] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

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)[12] 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–2015–62 on the subject line.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] The Exchange has fulfilled this requirement.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(2)(B).

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–2015–62. 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 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–NYSE–2015–62 and should be submitted on or before January 5, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–31439 Filed 12–14–15; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 9382]

In the Matter of the Designation of Emrah Erdogan aka Salahuddin al-Kurdi as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of E.O. 13224 of September 23, 2001, as amended by E.O. 13268 of July 2, 2002, and E.O. 13284 of January 23, 2003, I hereby determine that the individual known as Emrah Erdogan, also known as Salahuddin al-Kurdi committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–31557 Filed 12–14–15; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9381]

Privacy Act; System of Records: Security Records, State–36.

SUMMARY: Notice is hereby given that the Department of State proposes to amend an existing system of records, Security Records, State–36, pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a) and Office of Management and Budget Circular No. A–130, Appendix I.

DATES: This system of records will be effective on January 25, 2016, unless we receive comments that will result in a contrary determination.

ADDRESSES: Any persons interested in commenting on the amended system of records may do so by writing to the Director; Office of Information Programs and Services, A/GIS/IPS; Department of State, SA–2; 515 22nd Street NW., Washington, DC 20522–8100.

FOR FURTHER INFORMATION CONTACT: John Hackett, Director; Office of Information Programs and Services, A/GIS/IPS; Department of State, SA–2; 515 22nd Street NW., Washington, DC 20522–8100, or at *Privacy@state.gov*.

SUPPLEMENTARY INFORMATION: The Department of State proposes that the current system will retain the name ''Security Records'' (previously published at 78 FR 27276, May 9, 2013). The records maintained in State–36, Security Records, capture data related to incidents and threats affecting U.S. Government personnel, U.S. Government information, or U.S. Government facilities world-wide, for a variety of legal purposes including federal and state law enforcement and counterterrorism purposes. The information maintained in Security Records may be used to determine general suitability for employment or retention in employment, to grant a contract or issue a license, grant, or security clearance. The proposed system will include modifications and administrative updates to the following sections: Categories of individuals and Categories of records. Additionally, records regarding the Office of Foreign Missions were removed and included in a new SORN to provide greater transparency of their records.

The Department's report was filed with the Office of Management and Budget. The amended system description, ''Security Records, State–36,'' will read as set forth below.

Joyce A. Barr,

Assistant Secretary for Administration, U.S. Department of State.

STATE–36

SYSTEM NAME:

Security Records.

SECURITY CLASSIFICATION:

Unclassified and Classified.

SYSTEM LOCATION:

Department of State and its annexes, Bureau of Diplomatic Security, and various field and regional offices throughout the United States, and abroad at some U.S. Embassies, U.S. Consulates General, and U.S. Consulates.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees of the Department of State; applicants for Department employment who are presently being investigated for security clearance; contractors working for the Department; interns and detailees to the Department; employees of other federal agencies who have accounts on our Department networks; individuals requiring access to the official Department of State premises who have undergone or are undergoing security clearance; some passport and visa applicants concerning matters of adjudication; individuals and

[13] 17 CFR 200.30–3(a)(12).

institutions identified in passport and visa crime investigations; individuals involved in unauthorized access to classified information; prospective alien spouses of U.S. citizen employees of the Department of State; individuals or groups whose activities have a potential bearing on the security of Departmental or Foreign Service operations, domestically or abroad, including those involved in criminal or terrorist activity; individuals and organizations who apply to be constituents in the exchange of security information from public-private partnerships; and visitors to the Department of State main building (Harry S Truman Building), to its domestic annexes, field offices, missions, and to the U.S. Embassies and U.S. Consulates and missions overseas. Also covered are individuals issued security or cybersecurity violations or infractions; litigants in civil suits and criminal prosecutions of interest to the Bureau of Diplomatic Security; individuals who have Department building passes; individuals using Department devices or networks; uniformed security officers; individuals named in congressional inquiries to the Bureau of Diplomatic Security; individuals subject to investigations conducted abroad on behalf of other federal agencies; and individuals whose activities other agencies believe may have a bearing on U.S. foreign policy interests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident and investigative material relating to any category of individual described above, including case files containing items such as name, date and place of birth, citizenship, telephone numbers, addresses, physical description (including height, weight, body type, hair, clothing, gender, ethnicity, race, and other general and distinguishing physical features), accent description, identification media (such as passport, residency, or driver's license numbers), vehicle registration and vehicle information; email address, family identifiers (such as names of relatives and biographic information), employer identifiers, applications for passports and employment, photographs, biometric data (to include fingerprints, and deoxyribonucleic acid (DNA) information), birth certificates, credit checks, security evaluations and clearances, other agency reports and informant reports; legal case pleadings and files; evidence collected during investigations; polygraphs; network audit records, network use records, email, chat conversations, and text messages sent using Department devices or networks; social media account findings for individuals undergoing security investigations; security violation files; training reports; weapons assignment database; firing proficiency and other security-related testing scores; availability for special protective assignments; language proficiency scores; intelligence reports; counterintelligence material; counterterrorism material; internal Departmental memoranda; internal personnel, fiscal, and other administrative documents; emergency contact information for Department employees and contractors; Social Security number; specific areas and times of authorized accessibility; escort authority; status and level of security clearance; issuing agency and issue date; and for all individuals: Date and times of building entrance and exit.

For visitors, information collected can include name, date of birth, citizenship, identification type, identification number, temporary badge number, host's name, office symbol, room number, and telephone number. For public-private partnerships to exchange security information, information collected can include name, address, telephone number and email address.

Security files contain information needed to provide protective services for the Secretary of State and visiting and resident foreign officials and associated foreign official facilities, and to protect the Department's official facilities and information assets. Security files contain documents and reports furnished to the Department by other agencies concerning individuals whose activities the other agencies believe may have a bearing on U.S. foreign policy interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(a) 5 U.S.C. 301 (Government Organization and Employees) (Departmental regulations); (b) 5 U.S.C. Chapter 73 (Suitability, Security, and Conduct); (c) 5 U.S.C. 7531–33 (National Security); (d) 8 U.S.C. 1104 (Enforcement of immigration and nationality laws); (e) 18 U.S.C. 111 (Crimes and Criminal Procedures) (Assaulting, resisting, or impeding certain officers or employees); (f) 18 U.S.C. 112 (Protection of foreign officials, official guests, and internationally protected persons); (g) 18 U.S.C. 201 (Bribery of public officials and witnesses); (h) 18 U.S.C.1030 (Fraud and related activity in connection with computers); (i) 18 U.S.C. 1114 (Protection of officers and employees of the U.S.); (j) 18 U.S.C. 1116 (Murder or manslaughter of foreign officials, official guests, or internationally protected persons); (k) 18 U.S.C. 1117 (Conspiracy to murder); (l) 18 U.S.C. 1541–1546 (Issuance without authority, false statement in application and use of passport, forgery or false use of passport, misuse of passport, safe conduct violation, fraud and misuse of visas, permits, and other documents); (m) 22 U.S.C. 211a (Foreign Relations and Intercourse) (Authority to grant, issue, and verify passports); (n) 22 U.S.C. 842, 846, 911 (Duties of Officers and Employees and Foreign Service Officers) (Repealed, but applicable to past records); (o) 22 U.S.C. 2454 (Administration); (p) 22 U.S.C. 2651a (Organization of the Department of State); (q) 22 U.S.C. 2658 (Rules and regulations; promulgation by Secretary; delegation of authority) (Repealed, but applicable to past records); (r) 22 U.S.C. 2709 (Special Agents); (s) 22 U.S.C. 2712 (Authority to control certain terrorism-related services); (t) 22 U.S.C. 3921 (Management of the Foreign Service); (u) 22 U.S.C. 4802 (Diplomatic Security) (Responsibility of Secretary of State), (v) 22 U.S.C. 4804(3)(D) (Responsibilities of Assistant Secretary for Diplomatic Security) (Repealed, but applicable to past records); (w) 22 U.S.C. 4831–4835 (Accountability review, accountability review board, procedures, findings and recommendations by a board, relation to other proceedings); (x) 44 U.S.C. 31 (Federal Records Act of 1950, Sec. 506(a), as amended) (applicable to past records); (y) 44 U.S.C. 3541 (Federal Information Security Management); (z) Executive Order 10450 (Security requirements for government employment); (aa) Executive Order 12107 (Relating to the Civil Service Commission and Labor-Management in the Federal Service); (bb) Executive Order 13526 and its predecessor orders (National Security Information); (cc) Executive Order 12968 (Access to Classified Information); (dd) Executive Order 13587 (Security of Classified Networks and Information); (ee) Executive Order 13470 and its predecessor orders (United States Intelligence Activities); (ff) 22 CFR Subchapter M (International Traffic in Arms) (applicable to past records); (gg) 40 U.S.C. Chapter 10 (Federal Property and Administrative Services Act (1949)); (hh) 31 U.S.C. (Internal Revenue Code); (ii) Pub. L. 99–399, 8/27/1986 (Omnibus Diplomatic Security and Antiterrorism Act of 1986, as amended); (jj) Pub. L. 100–202, 12/22/1987 (Appropriations for Departments of Commerce, Justice, and State) (applicable to past records); (kk) Pub. L. 100–461, 10/1/1988 (Foreign Operations, Export Financing, and

Related Programs Appropriations Act); (ll) Pub. L. 107–56, 10/26/2001 (USA PATRIOT Act—Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism); (mm) Pub. L. 108–21, 4/30/2003 (PROTECT Act—Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003); (nn) Executive Order 12356 (National Security Information) (applicable to past records); (oo) Executive Order 9397 (Numbering System for Federal Accounts Relating to Individual Persons); (pp) HSPD–12, 8/27/2004 (Homeland Security Presidential Directive); (qq) Executive Order 13356, 8/27/2004 (Strengthening the Sharing of Terrorism Information to Protect Americans); (rr) Pub. L. 108–458 (Section 1016), 12/17/2004 (Intelligence Reform and Terrorism Prevention Act of 2004; (ss) Pub. L. 92–463: 5 U.S.C. App. (Federal Advisory Committee Act).

PURPOSE(S):

The records maintained in State–36, Security Records, capture data related to incidents and threats affecting U.S. Government personnel, U.S. Government information, or U.S. Government facilities world-wide, for a variety of legal purposes including federal and state law enforcement and counterterrorism purposes. The information maintained in Security Records may be used to determine general suitability for employment or retention in employment, to grant a contract or issue a license, grant, or security clearance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The information in Security Records is used by:

(a) Department of State officials in the administration of their responsibilities;

(b) Appropriate committees of Congress in furtherance of their respective oversight functions;

(c) Department of Treasury; U.S. Office of Personnel Management; Agency for International Development; Department of Commerce; Peace Corps; Department of Defense; Central Intelligence Agency; Department of Justice; Department of Homeland Security; National Counter Terrorism Center; and other federal agencies inquiring pursuant to law or Executive Order, in order to make a determination of general suitability for employment or retention in employment, to grant a contract or issue a license, grant, or security clearance;

(d) Any federal, state, municipal, foreign or international law enforcement or other relevant agency or organization as needed for security, law enforcement or counterterrorism purposes, such as: Threat alerts and analyses, protective intelligence and counterintelligence information, information relevant for screening purposes;

(e) Any other agency or department of the federal government pursuant to statutory intelligence responsibilities or other lawful purposes;

(f) Any other agency or department of the Executive Branch having oversight or review authority with regard to its investigative responsibilities;

(g) A federal, state, local, foreign, or international agency or other public authority that investigates, prosecutes, or assists in investigation or prosecution of violation of criminal law or enforces, implements, or assists in enforcement or implementation of statute, rule, regulation, or order;

(h) A federal, state, local or foreign agency or other public authority or professional organization maintaining civil, criminal, and other relevant enforcement or pertinent records such as current licenses; information may be given to a consumer reporting agency:

(1) To obtain information, relevant enforcement records or other pertinent records such as current licenses, or

(2) to obtain information relevant to an agency investigation, a decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance or the initiation of administrative, civil, or criminal action;

(i) Officials of government agencies in the letting of a contract, issuance of a license, grant or other benefit, and the establishment of a claim;

(j) Any private or public source, witness, or subject from which information is requested in the course of a legitimate agency investigation or other inquiry, to the extent necessary to identify an individual; to inform a source, witness or subject of the nature and purpose of the investigation or other inquiry; and to identify the information requested;

(k) An attorney or other designated representative of any source, witness or subject described in paragraph (j) of the Privacy Act only to the extent that the information would be provided to that category of individual itself in the course of an investigation or other inquiry;

(l) A federal agency following a response to its subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury or other criminal proceeding;

(m) Relevant information may be disclosed from this system to the news media and general public in furtherance of a legitimate law enforcement or public safety function as determined by the Department, *e.g.,* to assist in the location of federal fugitives, to provide notification of arrests, to provide alerts, assessments, or similar information on potential threats to life, health, or property, or to keep the public appropriately informed of other law enforcement or Department matters or other matters of legitimate public interest where disclosure could not reasonably be expected to constitute an unwarranted invasion of personal privacy and could not reasonably be expected to prejudice the outcome of a pending or future trial;

(n) State, local, federal or non-governmental agencies and entities as needed for purposes of emergency or disaster response; and

(o) U.S. government agencies within the framework of the National Suspicious Activity Report (SAR) Initiative (NSI) regarding foreign intelligence and terrorist threats, managed by the Department of Justice.

The Department of State periodically publishes in the **Federal Register** its standard routine uses that apply to all of its Privacy Act systems of records. These notices appear in the form of a Prefatory Statement. These standard routine uses apply to Security Records, State–36.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Physical and electronic media.

RETRIEVABILITY:

By individual name, personal or biometric identifier, case number, badge number, and Social Security number (for other than visitors), as well as by each category of records in the system.

SAFEGUARDS:

All users are given cybersecurity awareness training which covers the procedures for handling Sensitive But Unclassified information, including personally identifiable information (PII). Annual refresher training is mandatory. In addition, all Foreign Service and Civil Service employees and those Locally Engaged Staff who handle PII are required to take the FSI distance learning course instructing employees on privacy and security requirements, including the rules of behavior for handling PII and the potential consequences if it is handled improperly. Before being granted access

to Security Records, a user must first be granted access to the Department of State computer system, and user access is not granted until a background investigation has been completed.

Remote access to the Department of State network from non-Department owned systems is authorized only through a Department-approved access program. Remote access to the network is configured with the Office of Management and Budget Memorandum M–07–16 security requirements, which include but are not limited to two-factor authentication and time out function.

All Department of State employees and contractors with authorized access have undergone a thorough background security investigation. Access to the Department of State, its annexes, and posts abroad is controlled by security guards and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All paper records containing personal information are maintained in secured file cabinets in restricted areas, access to which is limited to authorized personnel. Access to computerized files is password-protected and under the direct supervision of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular and ad hoc monitoring of computer usage. When it is determined that a user no longer needs access, the user account is disabled.

RETENTION AND DISPOSAL:

Retention of these records varies depending upon the specific kind of record involved. The records are retired or destroyed in accordance with published schedules of the Department of State and as approved by the National Archives and Records Administration. More specific information may be obtained by writing to the Director; Office of Information Programs and Services; A/GIS/IPS; SA–2; Department of State; 515 22nd Street NW., Washington, DC 20522–8100.

SYSTEM MANAGER AND ADDRESS:

Principal Deputy Assistant Secretary for Diplomatic Security and Director for the Diplomatic Security Service; Department of State; SA–20; 23rd Floor; 1801 North Lynn Street, Washington, DC 20522–2008 for the Harry S. Truman Building, domestic annexes, field offices and missions; Security Officers at respective U.S. Embassies, Consulates, and missions overseas.

NOTIFICATION PROCEDURE:

Individuals who have reason to believe that the Bureau of Diplomatic Security may have security/investigative records pertaining to themselves should write to the Director; Office of Information Programs and Services; A/GIS/IPS; SA–2; Department of State; 515 22nd Street NW., Washington, DC 20522–8100. The individual must specify that he/she wishes Security Records to be checked. At a minimum, the individual must include: Name; date and place of birth; current mailing address and zip code; signature; and a brief description of the circumstances which may have caused the creation of the record.

RECORD ACCESS AND AMENDMENT PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to themselves should write to the Director; Office of Information Programs and Services (address above).

CONTESTING RECORD PROCEDURES:

See above.

RECORD SOURCE CATEGORIES:

These records contain information obtained from the individual; persons having knowledge of the individual; persons having knowledge of incidents or other matters of investigative interest to the Department; other U.S. law enforcement agencies and court systems; pertinent records of other federal, state, or local agencies or foreign governments; pertinent records of private firms or organizations; the intelligence community; and other public sources. The records also contain information obtained from interviews, review of records, and other authorized investigative techniques.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Any other exempt records from other agencies' systems of records that are recompiled into this system are also considered exempt to the extent they are claimed as such in the original systems.

Pursuant to 5 U.S.C. 552a (j)(2), records in this system may be exempted from subsections (c)(3) and (4), (d), (e)(1), (2), (3), and (e)(4)(G), (H), and (I), and (f) of the Privacy Act. Pursuant to 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5), records in this system may be exempted from subsections (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), (f)(1), (f)(2), (f)(3), (f)(4), and (f)(5).

See 22 CFR 171.

[FR Doc. 2015–31527 Filed 12–14–15; 8:45 am]

BILLING CODE 4710–43–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Procurement Thresholds for Implementation of the Trade Agreements Act of 1979

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of Determination of Procurement Thresholds.

FOR FURTHER INFORMATION CONTACT: Scott Pietan, Director of International Procurement Policy, Office of the United States Trade Representative, (202) 395–9646 or *scott_pietan@ustr.eop.gov*.

SUMMARY: Executive Order 12260 requires the United States Trade Representative to set the U.S. dollar thresholds for application of Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), which implements U.S. trade agreement obligations, including those under the World Trade Organization (WTO) Agreement on Government Procurement, Chapter 15 of the United States-Australia Free Trade Agreement (United States-Australia FTA), Chapter 9 of the United States-Bahrain Free Trade Agreement (United States-Bahrain FTA), Chapter 9 of the United States-Chile Free Trade Agreement (United States-Chile FTA), Chapter 9 of the United States-Colombia Free Trade Agreement (United States-Colombia FTA), Chapter 9 of the Dominican Republic-Central American-United States Free Trade Agreement (DR–CAFTA), Chapter 9 of the United States-Morocco Free Trade Agreement (United States-Morocco FTA), Chapter 10 of the North American Free Trade Agreement (NAFTA), Chapter 9 of the United States-Oman Free Trade Agreement (United States-Oman FTA), Chapter 9 of the United States-Panama Trade Promotion Agreement (United States-Panama TPA), Chapter 9 of the United States-Peru Trade Promotion Agreement (United States-Peru TPA), and Chapter 13 of the United States-Singapore Free Trade Agreement (United States-Singapore FTA). These obligations apply to covered procurements valued at or above specified U.S. dollar thresholds.

Now, therefore, I, Michael B.G. Froman, United States Trade Representative, in conformity with the provisions of Executive Order 12260, and in order to carry out U.S. trade agreement obligations under the WTO Agreement on Government Procurement, Chapter 15 of the United States-Australia FTA, Chapter 9 of the United States-Bahrain FTA, Chapter 9 of

the United States-Chile FTA, Chapter 9 of the United States-Colombia FTA, Chapter 9 of DR–CAFTA, Chapter 9 of the United States-Morocco FTA, Chapter 10 of NAFTA, Chapter 9 of the United States-Oman FTA, Chapter 9 of the United States-Panama TPA, Chapter 9 of the United States-Peru TPA, and Chapter 13 of the United States-Singapore FTA, do hereby determine, effective on January 1, 2016:

For the calendar years 2016 and 2017, the thresholds are as follows:

I. WTO Agreement on Government Procurement

A. *Central Government Entities listed in U.S. Annex 1:*

(1) Procurement of goods and services—$191,000; and

(2) Procurement of construction services—$7,358,000.

B. *Sub-Central Government Entities listed in U.S. Annex 2:*

(1) Procurement of goods and services—$522,000; and

(2) Procurement of construction services—$7,358,000.

C. *Other Entities listed in U.S. Annex 3:*

(1) Procurement of goods and services—$589,000; and

(2) Procurement of construction services—$7,358,000.

II. United States-Australia FTA, Chapter 15

A. *Central Government Entities listed in the U.S. Schedule to Annex 15–A, Section 1:*

(1) Procurement of goods and services—$77,533; and

(2) Procurement of construction services—$7,358,000.

B. *Sub-Central Government Entities listed in the U.S. Schedule to Annex 15–A, Section 2:*

(1) Procurement of goods and services—$522,000; and

(2) Procurement of construction services—$7,358,000.

C. *Other Entities listed in the U.S. Schedule to Annex 15–A, Section 3:*

(1) Procurement of goods and services for List A Entities— $387,667;

(2) Procurement of goods and services for List B Entities— $589,000;

(3) Procurement of construction services—$7,358,000.

III. United States-Bahrain FTA, Chapter 9

A. *Central Government Entities listed in the U.S. Schedule to Annex 9–A–1:*

(1) Procurement of goods and services—$191,000; and

(2) Procurement of construction services—$10,079,365.

B. *Other Entities listed in the U.S. Schedule to Annex 9–A–2:*

(1) Procurement of goods and services for List B entities—$589,000; and

(2) Procurement of construction services—$12,405,952.

IV. United States-Chile FTA, Chapter 9

A. *Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section A:*

(1) Procurement of goods and services—$77,533; and

(2) Procurement of construction services—$7,358,000.

B. *Sub-Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section B:*

(1) Procurement of goods and services—$522,000; and

(2) Procurement of construction services—$7,358,000.

C. *Other Entities listed in the U.S. Schedule to Annex 9.1, Section C:*

(1) Procurement of goods and services for List A Entities— $487,667;

(2) Procurement of goods and services for List B Entities— $589,000;

(3) Procurement of construction services—$7,358,000.

V. United States-Colombia TPA, Chapter 9

A. *Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section A:*

(1) Procurement of goods and services—$77,533; and

(2) Procurement of construction services—$7,358,000.

B. *Sub-Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section B:*

(1) Procurement of goods and services—$522,000; and

(2) Procurement of construction services—$7,358,000.

C. *Other Entities listed in the U.S. Schedule to Annex 9.1, Section C:*

(1) Procurement of goods and services for List B Entities— $589,000;

(2) Procurement of construction services—$7,358,000.

VI. DR-CAFTA, Chapter 9

A. *Central Government Entities listed in the U.S. Schedule to Annex 9.1.2(b)(i), Section A:*

(1) Procurement of goods and services—$77,533; and

(2) Procurement of construction services—$7,358,000.

B. *Sub-Central Government Entities listed in the U.S. Schedule to Annex 9.1.2(b)(i), Section B:*

(1) Procurement of goods and services—$522,000; and

(2) Procurement of construction services—$7,358,000.

C. *Other Entities listed in the U.S. Schedule to Annex 9.1.2(b)(i), Section C:*

(1) Procurement of goods and services for List B Entities— $589,000;

(2) Procurement of construction services—$7,358,000.

VII. United States-Morocco FTA, Chapter 9

A. *Central Government Entities listed in the U.S. Schedule to Annex 9–A–1:*

(1) Procurement of goods and services—$191,000; and

(2) Procurement of construction services—$7,358,000.

B. *Sub-Central Government Entities listed in the U.S. Schedule to Annex 9–A–2:*

(1) Procurement of goods and services—$522,000; and

(2) Procurement of construction services—$7,358,000.

C. *Other Entities listed in the U.S. Schedule to Annex 9–A–3:*

(1) Procurement of goods and services for List B Entities— $589,000;

(2) Procurement of construction services—$7,358,000.

VIII. NAFTA, Chapter 10

A. *Federal Government Entities listed in the U.S. Schedule to Annex 1001.1a–1:*

(1) Procurement of goods and services—$77,533; and

(2) Procurement of construction services—$10,079,365.

B. *Government Enterprises listed in the U.S. Schedule to Annex 1001.1a–2:*

(1) Procurement of goods and services—$387,667; and

(2) Procurement of construction services—$12,405,952.

IX. United States-Oman FTA, Chapter 9

A. *Central Level Government Entities listed in the U.S. Schedule to Annex 9, Section A:*

(1) Procurement of goods and services—$191,000; and

(2) Procurement of construction services—$10,079,365.

B. *Other Covered Entities listed in the U.S. Schedule to Annex 9, Section B:*

(1) Procurement of goods and services for List B Entities— $589,000;

(2) Procurement of construction services—$12,405,952.

X. United States-Panama TPA, Chapter 9

A. *Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section A:*

(1) Procurement of goods and services—$191,000; and

(2) Procurement of construction services—$7,358,000.

B. *Sub-Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section B:*

(1) Procurement of goods and services—$522,000; and

(2) Procurement of construction services—$7,358,000.

C. *Other Entities listed in the U.S. Schedule to Annex 9.1, Section C:*

(1) Procurement of goods and services for List B Entities— $589,000;

(2) Procurement of construction services—$7,358,000.

D. *Autoridad del Canal de Panamá*

(1) Procurement of goods and services—$589,000.

XI. United States-Peru TPA, Chapter 9

A. *Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section A:*

(1) Procurement of goods and services—$191,000; and

(2) Procurement of construction services—$7,358,000.

B. *Sub-Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section B:*

(1) Procurement of goods and services—$522,000; and

(2) Procurement of construction services—$7,358,000.

C. *Other Entities listed in the U.S. Schedule to Annex 9.1, Section C:*

(1) Procurement of goods and services for List B Entities— $589,000;

(2) Procurement of construction services—$7,358,000.

XII. United States-Singapore FTA, Chapter 13

A. *Central Government Entities listed in the U.S. Schedule to Annex 13A, Schedule 1, Section A:*

(1) Procurement of goods and services—$77,533; and

(2) Procurement of construction services—$7,358,000.

B. *Sub-Central Government Entities listed in the U.S. Schedule to Annex 13A, Schedule 1, Section B:*

(1) Procurement of goods and services—$522,000; and

(2) Procurement of construction services—$7,358,000.

C. *Other Entities listed in the U.S. Schedule to Annex 13A, Schedule 1, Section C:*

(1) Procurement of goods and services—$589,000;

(2) Procurement of construction services—$7,358,000.

Michael B.G. Froman,

United States Trade Representative.

[FR Doc. 2015–31503 Filed 12–14–15; 8:45 am]

BILLING CODE 3290–F6–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Second Meeting: RTCA Special Committee (235) Non-Rechargeable Lithium Batteries

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

ACTION: Notice of Second RTCA Special Committee 235 Meeting.

SUMMARY: The FAA is issuing this notice to advise the public of the Second RTCA Special Committee 235 meeting.

DATES: The meeting will be held January 13–14, 2016 from 09:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036, Tel: (202) 330–0680.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Karan Hofmann, Program Director, RTCA, Inc., *khofmann@rtca.org,* (202) 330–0680.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of RTCA Special Committee 235. The agenda will include the following:

Wednesday, January 13, 2016

1. Welcome and Administrative Remarks
2. Introductions
3. Agenda Review
4. Meeting-Minutes Review
5. Status Report of Working-Group Leaders (WG #1–#3)
   a. WG–1—New DO–227A Template, Map Requirements, Harmonize Terminology, and create new Section 1
   b. WG–2—Cell and Battery Requirements and testing; Create new Sections 2.1 and 2.2
6. Review of program schedule
7. Action Item Review
8. Presentation: FAA Tech Center Testing on Non-Rechargeable Lithium Batteries
9. Any other Business
   a. Discussion on Cell Internal Short
10. Date and Place of Next Meeting
11. Adjourn

Thursday, January 14, 2016

1. Continuation of Plenary or Working Group Session

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Plenary information will be provided upon request. Persons who wish to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 9, 2015.

Latasha Robinson,

Management & Program Analyst, Next Generation, Enterprise Support Services Division, Federal Aviation Administration.

[FR Doc. 2015–31408 Filed 12–14–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Sixth Meeting: RTCA Special Committee (230) Airborne Weather Detection Systems

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

ACTION: Notice of Sixth RTCA Special Committee 230 Meeting.

SUMMARY: The FAA is issuing this notice to advise the public of the Sixth RTCA Special Committee 230 meeting.

DATES: The meeting will be held January 12–14, 2016 from 09:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036, Tel: (202) 330–0654.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Harold Moses, Program Director, RTCA, Inc., *hmoses@rtca.org,* (202) 330–0654.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of RTCA Special Committee 230. The agenda will include the following:

Tuesday, January 12, 2016

1. Welcome/Introductions/ Administrative Remarks—9:00 a.m.–9:30 a.m. (RTCA)
2. Agenda Overview—9:30 a.m.–9:35 a.m. (Finley/Gidner)
3. Meeting #5 Minutes approval—9:35 a.m.–9:40 a.m.

4. Review of FRAC findings from DO–220—10:40 a.m.–12:00 p.m.
5. Lunch 12:00 p.m.–1:00 p.m.
6. Review of FRAC findings from DO–220—1:00 p.m.–5:00 p.m.

Wednesday, January 13, 2016

1. Review FRAC findings from DO–213—9:00 a.m.–12:00 p.m.
2. Lunch 12:00 p.m.–1:00 p.m.
3. Review of FRAC findings from DO–213—1:00 p.m.–5:00 p.m.

Thursday, January 14, 2016

1. Review FRAC findings from DO–213 draft—9:00 a.m.–12:00 p.m.
2. Lunch 12:00 p.m.–1:00 p.m.
3. Review status of Joint RTCA/EUROCAE HAIC working group—1:00 p.m.–2:00 p.m.
4. Action item review—2:00 p.m.–2:30 p.m.
5. Approve Final Revisions to DO–220 and DO–213 for PMC—2:30 p.m.–3:00 p.m.
6. Adjourn 3:00 p.m.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Plenary information will be provided upon request. Persons who wish to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 9, 2015.

Latasha Robinson,

Management & Program Analyst, Next Generation, Enterprise Support Services Division, Federal Aviation Administration.

[FR Doc. 2015–31409 Filed 12–14–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35957]

Michael Williams—Control Exemption—SDR Holding Company

Michael Williams (Williams), a noncarrier individual, has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2), to continue in control of SDR Holding Company (SDR), upon its acquisition of control of Dakota Southern Railway Company (Dakota Southern), a Class III rail carrier.[1]

According to Williams, SDR and Dakota Southern entered into a stock purchase agreement dated September 30, 2009, by which SDR acquired all of Dakota Southern's stock.[2]

The exemption will become effective on December 29, 2015.

According to Williams, he currently owns and controls the following Class III rail carriers: (1) BG & CM Railroad (76.2 miles of rail line in Idaho); (2) Ozark Valley Railroad (24.99 miles of purchased and leased rail line in Missouri); (3) St. Maries River Railroad (71 miles of rail line in Idaho); (4) McCloud Railway (19.6 miles of rail line in California); and (5) Boot Hill & Western Railway Holding Co., Inc. (10.2 miles of rail line and the right to reactivate service on 15.8 miles of rail-banked rail line in Kansas).

Williams certifies that: (1) Dakota Southern does not connect with any other railroads owned and controlled by Williams; (2) the proposed transaction is not part of a series of anticipated transactions that would result in such a connection; and (3) the proposed transaction does not involve a Class I rail carrier. The proposed transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11323 pursuant to 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed by December 22, 2015 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings, referring to Docket No. FD 35957, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on: Charles H. Montange, Law Offices of Charles H. Montange, 426 NW. 162d St., Seattle, WA 98177.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*.''

Decided: December 10, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2015–31511 Filed 12–14–15; 8:45 am]

BILLING CODE 4915–01–P

[1] This notice was originally filed on September 15, 2015. On October 14, 2015, the Board served a decision holding the proceeding in abeyance and directing Williams to file supplemental information by November 3, 2015. Williams filed the supplemental information on November 3, 2015. George A. Huff submitted a comment on November 10, 2015. Williams filed a response on December 2, 2015. On December 10, 2015, the Board served a decision permitting publication of the notice based upon Williams' November 3 supplemental filing.

[2] Williams filed a copy of the stock purchase agreement with the notice of exemption. (Williams Notice, Ex. B.)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2015–0235]

Privacy Act of 1974; Department of Transportation, Federal Aviation Administration, DOT/FAA–801; Aircraft Registration Records System of Records Notice

AGENCY: Office of the Departmental Chief Information Officer, Office of the Secretary of Transportation, DOT.

ACTION: Notice of Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the United States Department of Transportation proposes to rename, update and reissue a current Department of Transportation system of records titled, ''Department of Transportation Federal Aviation Administration; DOT/FAA–801, Aviation Registration System.'' Given that this system of records is comprised of multiple electronic databases, we are changing the name from ''Aviation Registration System'' to ''Aviation Registration Records'' to reflect that the system of records includes all Privacy Act records related to aircraft registration that are maintained by the Federal Aviation Administration Aircraft Registration Branch. In addition, this system is being updated to clarify the purpose of the Aircraft Registration Records system of records, which maintains electronic records of aircraft registration, including registration forms and supporting documents, instruments affecting ownership, aircraft financing, leases, and lien interests, as well as airworthiness applications and major repair and alteration reports. This system also includes registration records for small unmanned aircraft used for hobby and recreational purpose (*i.e.,*

model aircraft) and unmanned aircraft and small unmanned aircraft used for commercial purposes. The system of records notice is also being updated to add categories of records and to remove duplicative routine uses and clarify the remaining routine uses. Finally, the authorities, record retention, safeguarding and storage procedures, and notification, record access, and contesting records sections have been updated to reflect changes since the last publication of the system of records notice in 2000.

DATES: Written comments should be submitted on or before *January 14, 2016.* The Department may publish an amended Systems of Records Notice in light of any comments received. This new system will be effective *January 14, 2016.*

ADDRESSES: You may submit comments, identified by docket number DOT–OST–2015–0235 by any of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

Instructions: You must include the agency name and docket number DOT–OST–2015–0235. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://DocketsInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to the street address listed above. Follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: For questions, please contact: Claire W. Barrett, Departmental Chief Privacy Officer, Privacy Office, Department of Transportation, Washington, DC 20590; *privacy@dot.gov;* or 202.527.3284.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Transportation (DOT)/Federal Aviation Administration (FAA) proposes to rename, update and reissue a DOT system of records titled, ''DOT/FAA–801 Aviation Registration System.'' The Department is establishing a streamlined, Web-based aircraft registration process for small unmanned aircraft systems. Owners of sUAS, however, may opt to register their sUAS through the existing paper-based process used to register manned aircraft in accordance with the procedures and requirements described in 14 CFR part 47 (the ''part 47''). Also, owners of unmanned aircraft systems (UASs) that do not qualify as sUAS must continue to comply with part 47 and register their aircraft through the paper-based process.

All sUAS owners who register their aircraft under part 48 must first create an account to access the Web-based application using their email address and a password. Once an account is created, sUAS owners register their aircraft by providing their name, mailing address, and physical address, if different from their mailing address. These applicants also may provide their telephone number. Those who register their sUAS under part 48 may have to submit additional information, depending on the intended use for the sUAS. Individuals intending to fly sUAS for commercial purposes (as well as Federal, State, and local governments and corporations) are required to include their telephone number, and sUAS make, model, and serial number with their application.

Under part 48, each sUAS (hereinafter ''model aircraft'') owner registering for hobby and recreational purposes will receive a unique identifier for use on all model aircraft registered by that owner. Each sUAS used for non-model aircraft operations (*e.g.,* commercial use) will be assigned a unique identifier only for use with that aircraft. These registrants also must provide their credit card information (*e.g.,* credit card number, expiration date, security code, and billing address) for payment of the registration fee. The FAA will assign a transaction identification number (ID) upon confirmation of payment.

For all other aircraft required to be registered with the FAA, the FAA will continue to use the existing paper-based registration process under part 47. Applicants for aircraft registration must provide the FAA with their aircraft's manufacturer name, model, and serial number, the registered owner's contact information (name and physical address). Applicants must also provide any documents affecting aircraft ownership, loan, lien, or lease interests.

All records maintained by the FAA in connection with aircraft registered are included in the Aircraft Registry and made available to the public, except email address and credit card information submitted under part 48.

In order to facilitate implementation of the streamlined alternative registration process for small unmanned aircraft, the system of records notice (SORN) for the Aviation Registration System is being updated. Additionally, the SORN is being renamed, and updated to more accurately reflect and provide greater transparency regarding the collection, use, sharing, and maintenance of Privacy Act records in the Aircraft Registration system as a whole.

Because sUAS registered under part 48 have different registration requirements than aircraft registered under part 47, the categories of records has been updated to reflect the addition of email address and credit card information for registrants who register under part 48. The collection of email addresses will enable the FAA to establish user accounts for the FAA UAS Registration Service to facilitate access, and to quickly disseminate safety and educational materials to these sUAS owners, in furtherance of the FAA's safety and education objectives for unmanned aircraft operations. In addition, registrants under part 48 must pay the Aircraft Registration Fee as part of the online application process, thus, the SORN is being updated to include credit card information in the categories of records.

Additionally, we are renaming the system to ''Aviation Registration Records.'' Aviation Registration Records are maintained in several electronic databases. We are changing the name to clarify that the system of records includes all Privacy Act records related to aircraft registration that are maintained by the FAA Aircraft Registration Branch. Further, in the authorities section, we removed the reference to 49 U.S.C. 40101, which states the policy objectives that underlie DOT and FAA administration of the aviation-related provisions in Title 49 of the United States Code, but do not specifically authorize this system.

We also consolidated the routine uses and revised the remainder for clarity. Under the Privacy Act, ''routine use'' refers to a disclosure of the information

in the system to a person or entity outside of the DOT/FAA, ''for a purpose which is compatible with the purposes for which it is collected.'' 5 U.S.C. 552a(a)(7). The routine uses, as they have appeared in the SORN for several decades, describe several purposes of disclosure from the Aircraft Registry. These routine uses, however, did not specifically describe what information may be disclosed and to whom information may be disclosed. Thus, we are updating the routine uses to clarify that Aircraft Registry data is available to the general public through the FAA's Web site, or in person at or by written request to the Aircraft Registration Branch. The Aircraft Registry also may be accessed by federal, state, local, or foreign law enforcement to support investigations, the National Transportation Safety Board in connection with accident investigations, title search companies and banks to determine legal ownership of an aircraft, aircraft manufactures to provide aircraft owners and operators with information about potential mechanical defects or unsafe conditions of their aircraft, lawyers and parties to litigation in support of court cases involving individual liability, the International Civil Aviation Organization and its members to verify aircraft ownership and country of registration, or others. Thus, we consolidated and revised the routine uses to reflect that Aircraft Registry data is publicly available, which also includes access to information from the Aircraft Registry by other government entities, companies, and international organizations. All aircraft registration information for manned aircraft, UAS, and sUAS registered under part 47 are accessible to the public through the public Aircraft Registry Web site at *http://registry.faa.gov/aircraftinquiry/.* As previously mentioned, email addresses, telephone number, and credit card information of sUAS owners registered under part 48 will not be available to the public and will only be disclosed in accordance with the General Routine Uses applicable to all of the Department's systems of records. Additionally, the public may only retrieve model aircraft owners' name and address in the publicly available Aircraft Registry by the aircraft registration number (*i.e.,* the public may not retrieve data by an owner's name or address). Finally, we are adding a routine use clarifying that the FAA may disclose any aircraft registration information to law enforcement entities, when necessary and relevant to a FAA enforcement activity. These revisions to the routine uses do not substantively change the current routine uses for aircraft registration records. Relatedly, we revised the purpose section to include provisions reflecting the purpose of the system that had previously been captured as part of the routine uses.

Finally, we updated the sections on storage, record retention, and safeguarding procedures to reflect changes since the last publication of the SORN in 2000. Since 2000, the FAA began digitally imaging paper files for electronic storage and retrieval and the SORN section on storage was revised accordingly. The record retention provision was updated to make it consistent with the record retention section approved by the National Archive and Records Administration (NARA) in 2005. This update was inadvertently omitted from the Department's 2010 update to this SORN. The current record retention schedule, as approved in 2005, declared all records in the Aircraft Registration System to be of permanent value. The Department is currently evaluating whether registration records received under part 48, in particular, or UAS registration records, more generally, should similarly be retained permanently, or if an alternate schedule is more appropriate. This is also reflected in this updated SORN. Lastly, the notification, records access, and contesting records procedures have been revised for additional clarity regarding FAA redress policies and procedures.

II. Privacy Act

The Privacy Act (5 U.S.C. 552a) governs the means by which the Federal Government collects, maintains, and uses personally identifiable information (PII) in a System of Records. A ''System of Records'' is a group of any records under the control of a Federal agency from which information about individuals is retrieved by name or other personal identifier. The Privacy Act requires each agency to publish in the **Federal Register** a System of Records notice (SORN) identifying and describing each System of Records the agency maintains, including the purposes for which the agency uses PII in the system, the routine uses for which the agency discloses such information outside the agency, and how individuals to whom a Privacy Act record pertains can exercise their rights under the Privacy Act (*e.g.,* to determine if the system contains information about them and to contest inaccurate information).

In accordance with 5 U.S.C. 552a(r), DOT has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM OF RECORDS

Department of Transportation (DOT)/FAA—801

SYSTEM NAME:

Department of Transportation (DOT)/ALL—801, Aircraft Registration Records

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Aircraft Registration Branch, Federal Aviation Administration, Mike Monroney Aeronautical Center, Oklahoma City, OK 73125.

FAA UAS Registration Service is a contractor managed system and the records are located by the contract manager: Aircraft Registration Branch, Federal Aviation Administration, Mike Monroney Aeronautical Center, Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aircraft owners, lien holders, and lessees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Aircraft Registration Numbers; Aircraft manufacturer name, model, serial numbers Registered owner name, address, email, telephone number; Registration Information: (status: pending, valid, expired, canceled; type of ownership: individual, partnership, corporate, government, co-owned; dates: registration and expiry; airworthiness: type, status, date); Aircraft registration documents; Instruments affecting aircraft ownership, loan, lien, or lease interests; Applications for airworthiness; Major repair and alteration reports; Register owner credit card information (FAA UAS Registration Service user only).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

i. 49 U.S.C. 44102, Registration requirements

ii. 49 U.S.C. 44103, Registration of aircraft

iii. 49 U.S.C. 44104, Registration of aircraft components and dealer's certificates of registration

iv. 49 U.S.C. 44105, Suspension and revocation of aircraft certificates

v. 49 U.S.C. 44106, Revocation of aircraft certificates for controlled substance violations

vi. 49 U.S.C. 44107, Recordation of conveyances, leases, and security instruments

vii. 49 U.S.C. 44110, Information about aircraft ownership and rights

viii. 49 U.S.C. 44111, Modifications in registration and recordation system for aircraft not providing air transportation

ix. 14 CFR parts 45, 47–49

PURPOSE(S):

Provide a register of United States civil aircraft to aid in the national defense and to support a safe and economically strong civil aviation system, and to meet treaty requirements under the Convention on International Civil Aviation, Annex 7. To determine that aircraft are registered in accordance with the provisions of 49 U.S.C. 44103. To support FAA safety programs and agency management. To aid law enforcement and aircraft accident investigations. To serve as a repository of legal documents to determine legal ownership of aircraft. Provide aircraft owners and operators information about potential mechanical defects or unsafe conditions of their aircraft in the form of airworthiness directives. Educate owners regarding safety requirements for operation. Receive and record payment of aircraft registration fee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to other disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DOT as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To the public (including government entities, title companies, financial institutions, international organizations, FAA designee airworthiness inspectors, and others) information through the Aircraft Registry, including aircraft owner's name, address, United States Registration Number, aircraft type, and legal documents related to title or financing. Email addresses, credit card information, and sUAS owners' telephone numbers will not be disclosed pursuant to this Routine Use. The public may only retrieve the name and address of owners of sUAS registered under 14 CFR part 48 by the unique identifier displayed on the aircraft.

2. To law enforcement, when necessary and relevant to a FAA enforcement activity.

3. The Department has also published 15 additional routine uses applicable to all DOT Privacy Act systems of records, including this system. These routine uses are published in the **Federal Register** at 75 FR 82132, December 29, 2010, and 77 FR 42796, July 20, 2012, under ''Prefatory Statement of General Routine Uses'' (available at *http://www.transportation.gov/privacy/privacyactnotices*).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Individual records for registered and canceled aircraft are maintained in an electronic digital image system. Some canceled aircraft records are stored as paper file folders until their conversion to digital images is completed. Backup copies of imaged records are stored at remote locations

RETRIEVABILITY:

Records of registered and cancelled aircraft in the digital image system may be retrieved by registration number, the manufacturer's name, model, and serial-number, credit card transaction number, and by the name of the current registered owner. Records are retrieved by the aircraft description. Unconverted canceled records may be retrieved using a former registration number and the manufacturer's name, model and serial-number.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DOT automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

Aircraft registration records submitted under 14 CFR part 47 have been deemed by the National Archives and Records Administration to be of permanent value (see NARA Schedule N1–237–04–3). Paper copies of registration submissions are destroyed once the original is scanned into the system and the digital image is determined to be an adequate substitute for paper records. Copies of the Aircraft Registration system are transferred to NARA on an annual basis.

The FAA is working with NARA to establish an appropriate retention period for aircraft registration records submitted under 14 CFR part 48. Consistent with the Federal Records Act, the FAA will manage these records as permanent records under NARA has determined their historical value and issued an approved records disposition schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Aircraft Registration Branch, AFS–750, Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Individuals, manufacturers of aircraft, maintenance inspectors, mechanics, and FAA officials. All forms associated with this system and subject to the Paperwork Reduction Act have been approved by the Office of Management and Budget under the referenced information collection request/OMB control number 2120–0042.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Issued in Washington, DC on December 11, 2015.

Claire W. Barrett,

Departmental Chief Privacy Officer.

[FR Doc. 2015–31647 Filed 12–14–15; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning election of $10 million limitation on exempt small issues of industrial development

bonds; supplemental capital expenditure statements.

DATES: Written comments should be received on or before February 16, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Allan Hopkins, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Election of $10 Million Limitation on Exempt Small Issues of Industrial Development Bonds; Supplemental Capital Expenditure Statements.

OMB Number: 1545–0940.

Regulation Project Number: LR–185–84.

Abstract: This regulation liberalizes the procedure by which a state or local government issuer of an exempt small issue of tax-exempt bonds elects the $10 million limitation upon the size of such issue and deletes the requirement to file certain supplemental capital expenditure statements.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local or tribal governments.

Estimated Number of Respondents: 10,000.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 1,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 3, 2015.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2015–31452 Filed 12–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8905

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8905, Certification of Intent To Adopt a Pre-approved Plan.

DATES: Written comments should be received on or before February 16, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Certification of Intent To Adopt a Pre-approved Plan.

OMB Number: 1545–2011.

Form Number: Form 8905.

Abstract: Use Form 8905 to treat an employer's plan as a pre-approved plan and therefore eligible for the six-year remedial amendment cycle of Part IV of Revenue Procedure 2005–66, 2005–37 I.R.B. *509.* This form is filed with other document(s).

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, Farms.

Estimated Number of Respondents: 29,000.

Estimated Time per Respondent: 2 hours 50 minutes.

Estimated Total Annual Burden Hours: 82,360.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 8, 2015.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2015–31447 Filed 12–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8038–CP

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8038–CP, Return for Credit Payments to Issuers of Qualified Bonds.

DATES: Written comments should be received on or before February 16, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Return for Credit Payments to Issuers of Qualified Bonds.

OMB Number: 1545–2142.

Form Number: Form 8038–CP.

Abstract: Form 8038–CP, Return for Credit Payments to Issuers of Qualified Bonds, was developed to carry out the provisions of the American Recovery and Reinvestment Act of 2009. It provides State and local governments with the option of issuing a tax credit bond instead of a tax-exempt governmental obligation bond. The bill gives state and local governments the option to receive a direct payment from the Federal government equal to a subsidy that would have been received through the Federal tax credit for bonds.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, Farms.

Estimated Number of Respondents: 20,000.

Estimated Time per Respondent: 12 hours 20 minutes.

Estimated Total Annual Burden Hours: 246,600.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 4, 2015.

Michael A Joplin,

IRS Supervisory Tax Analyst.

[FR Doc. 2015–31455 Filed 12–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2003–38

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2003–38, Commercial Revitalization Deduction.

DATES: Written comments should be received on or before February 16, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Commercial Revitalization Deduction.

OMB Number: 1545–1818.

Revenue Procedure Number: Revenue Procedure 2003–38.

Abstract: Pursuant to § 1400I of the Internal Revenue Code, Revenue Procedure 2003–38 provides the time and manner for states to make allocations of commercial revitalization expenditures to a new or substantially rehabilitated building that is placed in service in a renewal community.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local and tribal governments, and business or other for-profit organizations.

Estimated Number of Respondents: 80.

Estimated Average Time per Respondent: 2 hours, 30 minutes.

Estimated Total Annual Burden Hour: 200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 3, 2015.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2015–31449 Filed 12–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Treasury Decision 9002, Treasury Decision 9715, Revenue Procedure 2002–43, and Revenue Procedure 2015–26.

DATES: Written comments should be received on or before February 16, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of regulations should be directed to Elaine Christophe, at (202) 317–5745, or at Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Agent for Consolidated Group.

OMB Number: 1545–1699.

Abstract: The information is needed in order for a terminating common parent of a consolidated group to designate a substitute agent for the group and receive approval of the Commissioner, or for a default substitute agent to notify the Commissioner that it is the default substitute agent, pursuant to Treas. Reg. § 1.1502–77(d). The Commissioner will use the information to determine whether to approve the designation of the substitute agent (if approval is required) and to change the IRS's records to reflect the information about the substitute agent.

Current Actions: Treasury Decision 9715, Revenue Procedure 2002–43, and Revenue Procedure 2015–26 are added.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 400.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: December 8, 2015.

Michael Joplin,

IRS Reports Clearance Officer.

[FR Doc. 2015–31457 Filed 12–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4626

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4626, Asset Acquisition Statement.

DATES: Written comments should be received on or before February 16, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Alternative Minimum Tax—Corporations.

OMB Number: 1545–0175.

Form Number: 4626.

Abstract: Section 55 of the Internal Revenue Code imposes an alternative minimum tax. The tax is 20% of the amount by which a corporation's taxable income adjusted by the items listed in sections 56 and 58, and by the tax preference items listed in section 57,

exceed an exemption amount. This result is reduced by the alternative minimum tax foreign tax credit. If this result is more than the corporation's regular tax liability before all credits (except the foreign tax and possessions tax credits), the difference is added to the tax liability. Form 4626 provides a line-by-line computation of the alternative minimum tax.

Current Actions: There are no changes being made to Form 8594 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 60,000.

Estimated Time per Respondent: 43 hrs., 52 minutes.

Estimated Total Annual Burden Hours: 2,611,200

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 3, 2015.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2015–31453 Filed 12–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2003–48

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2003–48, Update of Checklist Questionnaire Regarding Requests for Spin-Off Rulings.

DATES: Written comments should be received on or before February 16, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Sara Covington at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Update of Checklist Questionnaire Regarding Requests for Spin-Off Rulings.

OMB Number: 1545–1846.

Revenue Procedure Number: Revenue Procedure 2003–48.

Abstract: Revenue Procedure 2003–48 updates Revenue Procedure 96–30, which sets forth in a checklist questionnaire the information that must be included in a request for ruling under section 355. This revenue procedure updates information that taxpayers must provide in order to receive letter rulings under section 355. This information is required to determine whether a taxpayer would qualify for nonrecognition treatment.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 180.

Estimated Time per Respondent: 200 hours.

Estimated Total Annual Burden Hours: 36,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 4, 2015.

Michael A. Joplin,

IRS Supervisory Tax Analyst.

[FR Doc. 2015–31456 Filed 12–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 944, Form 944(SP), Form 944–X, Form 944–X (SP), and 944–X (PR).

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent

burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 944, Employer's Annual Employment Tax Return, Form 944(SP), Declaracion Federal Anual de Impuestos del Patrono o Empleador, and Form 944–X, Adjusted Employer's Annual Federal Tax Return or Claim for Refund, 944–X (SP) Ajuste a la Declaración Federal ANUAL del Patrono o Reclamación de Reembolso, and 944–X (PR) Ajuste a la Declaración Federal ANUAL del Patrono o Reclamación de Reembolso.

DATES: Written comments should be received on or before February 16, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Kerry Dennis, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Employer's Annual Employment Tax Return.

OMB Number: 1545–2007.

Form Number: Forms 944, 944(SP), 944–X, 944–X(SP), and 944–X (PR).

Abstract: The information on Form 944 will be collected to ensure the smallest nonagricultural and non-household employers are paying the correct amount of social security tax, Medicare tax, and withheld federal income tax. Information on line 13 will be used to determine if employers made any required deposits of these taxes. Form 944(SP) is the Spanish version of the Form 944. 944–X and Form 944–X(SP) is used to correct errors made on Form 944.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Individual or households, Businesses and other for-profit organizations, Not-for-profit institutions, and State, Local, and tribal Governments.

Estimated Number of Respondents: 1,010,000.

Estimated Time per Respondent: 15 hours 33 minutes.

Estimated Total Annual Burden Hours: 15,702,300.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 7, 2015.

Michael Joplin,

IRS Reports Clearance Officer.

[FR Doc. 2015–31445 Filed 12–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning certain cash or deferred arrangements and employee and matching contributions under employee plans, and retirement plans; cash or deferred arrangements.

DATES: Written comments should be received on or before February 16, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Certain Cash or Deferred Arrangements and Employee and Matching Contributions under Employee Plans: Retirement Plans; Cash or Deferred Arrangements.

OMB Number: 1545–1069.

Regulation Project Number: EE–175–86; Reg-108639–99.

Abstract: This regulation provides the public with the guidance needed to comply with sections 40(k), 401(m), and 4979 of the Internal Revenue Code. The regulation affects sponsors of plans that contain cash or deferred arrangements of employee or matching contributions, and employees who are entitled to make elections under these plans.

Current Actions: There are no changes to the existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

Estimated Number of Respondents: 355,500.

Estimated Time per Respondent: 3 hours.

Estimated Total Annual Burden Hours: 1,060,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material

in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: December 3, 2015.

Allan Hopkins,

Tax Analyst.

[FR Doc. 2015–31450 Filed 12–14–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection (The Veterans Metrics Initiative: Linking Program Components to Post-Military Well-Being)

ACTIVITY: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to use a longitudinal study design to assess the well-being of a large sample of transitioning Veterans over time, while simultaneously examining the extent and range of program use by these Veterans over the same period.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before February 16, 2016.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Brian McCarthy, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *Brian.McCarthy4@va.gov*. Please refer to ''OMB Control No. 2900–NEW'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 461–6345.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title

The Veterans Metrics Initiative: Linking Program Components to Post-Military Well-Being

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract

The concept and design of The Veterans Metrics Initiative (TVMI) were developed by a multi-disciplinary team of scientists from Department of Veterans Affairs, Department of Defense, academia, and private enterprise, under the auspices of the Henry Jackson Foundation for the Improvement of Military Medicine, to address the question: What works to help newly separated Veterans in their transition and reintegration into civilian life?

To answer this question, The Veterans Metrics Initiative will use a longitudinal study design to assess the well-being of a large sample of transitioning Veterans over time, while simultaneously examining the extent and range of program use by these Veterans over the same period. Because individual programs are numerous, widespread and often alike in design and service delivery, TVMI focuses specific and unique attention on program ''components'' as drivers of change. ''Components'' are defined as design and delivery elements that may be shared across multiple distinct programs separated geographically, administratively, or by their funding sources, but which exhibit undeniable similarities in their manner of approach to providing help. Simply, put, common components are techniques, strategies, or features used as part of a program. Components within programs include: (a) Knowledge (*e.g.,* problem solving and coping skills); (b) process (*e.g.,* mode: Online and face-to-face; method: Direct instruction and modeling); (c) barrier reduction (*e.g.,* tangible support); and (d) sustainability components (*e.g.,* social support and referrals).

Affected Public: Individuals or households.

Estimated Annual Burden

a. Baseline Survey, VA Form 10–1500194(WS)—5,625 hours.
b. 6 mo. Survey, VA Form 10–1500189(WS)—3,938 hours.
c. 12 mo. Survey, VA Form 10–1500190(WS)—3,544 hours.
d. 18 mo. Survey, VA Form 10–1500191(WS)—3,190 hours.
e. 24 mo. Survey, VA Form 10–1500192(WS)—2,871 hours.
f. 30 mo. Survey, VA Form 10–1500193(WS)—2,584 hours.

Estimated Average Burden per Respondent

a. Baseline Survey, VA Form 10–1500194(WS)—45 minutes.
b. 6 mo. Survey, VA Form 10–1500189(WS)—35 minutes.
c. 12 mo. Survey, VA Form 10–1500190(WS)—35 minutes.
d. 18 mo. Survey, VA Form 10–1500191(WS)—35 minutes.
e. 24 mo. Survey, VA Form 10–1500192(WS)—35 minutes.
f. 30 mo. Survey, VA Form 10–1500193(WS)—35 minutes.

Frequency of Response: Annually.

Estimated Annual Responses

a. Baseline Survey, VA Form 10–1500194(WS)—7,500.

b. 6 mo. Survey, VA Form 10–1500189(WS)—6,750.

c. 12 mo. Survey, VA Form 10–1500190(WS)—6,075.

d. 18 mo. Survey, VA Form 10–1500191(WS)—5,468.

e. 24 mo. Survey, VA Form 10–1500192(WS)—4,921.

f. 30 mo. Survey, VA Form 10–1500193(WS)—4,429.

By direction of the Secretary:

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–31515 Filed 12–14–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Regulatory Information Service Center

Introduction to the Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: Publication of the Unified Agenda of Regulatory and Deregulatory Actions and the Regulatory Plan represent key components of the regulatory planning mechanism prescribed in Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735) and incorporated in Executive Order 13563, ''Improving Regulation and Regulatory Review'' issued on January 18, 2011 (76 FR 3821). The fall editions of the Unified Agenda include the agency regulatory plans required by E.O. 12866, which identify regulatory priorities and provide additional detail about the most important significant regulatory actions that agencies expect to take in the coming year.

In addition, the Regulatory Flexibility Act requires that agencies publish semiannual ''regulatory flexibility agendas'' describing regulatory actions they are developing that will have significant effects on small businesses and other small entities (5 U.S.C. 602).

The Unified Agenda of Regulatory and Deregulatory Actions (Unified Agenda), published in the fall and spring, helps agencies fulfill all of these requirements. All federal regulatory agencies have chosen to publish their regulatory agendas as part of this publication. The complete Unified Agenda and Regulatory Plan can be found online at *http://www.reginfo.gov* and a reduced print version can be found in the **Federal Register**. Information regarding obtaining printed copies can also be found on the Reginfo.gov Web site (or below, VI. How Can Users Get Copies of the Plan and the Agenda?).

The fall 2015 Unified Agenda publication appearing in the **Federal Register** consists of The Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

The complete fall 2015 Unified Agenda contains the Regulatory Plans of 30 Federal agencies and 59 Federal agency regulatory agendas.

ADDRESSES: Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW., 2219F, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MVE), U.S. General Services Administration, 1800 F Street NW., 2219F, Washington, DC 20405, (202) 482–7340. You may also send comments to us by email at: *risc@gsa.gov*.

SUPPLEMENTARY INFORMATION:

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INTRODUCTION TO THE REGULATORY PLAN AND THE UNIFIED AGENDA OF FEDERAL REGULATORY AND DEREGULATORY ACTIONS

I. What are the Regulatory Plan and the Unified Agenda?

The Regulatory Plan serves as a defining statement of the Administration's regulatory and deregulatory policies and priorities. The Plan is part of the fall edition of the Unified Agenda. Each participating agency's regulatory plan contains: (1) A narrative statement of the agency's regulatory and deregulatory priorities, and, for the most part, (2) a description of the most important significant regulatory and deregulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming fiscal year. This edition includes the regulatory plans of 30 agencies.

The Unified Agenda provides information about regulations that the

Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at *http://www.reginfo.gov*. The online Unified Agenda offers flexible search tools and access to the historic Unified Agenda database to1995. The complete online edition of the Unified Agenda includes regulatory agendas from 61 Federal agencies. Agencies of the United States Congress are not included.

The fall 2015 Unified Agenda publication appearing in the **Federal Register** consists of The Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at *http://www.reginfo.gov*.

The following agencies have no entries for inclusion in the printed regulatory flexibility agenda. An asterisk (*) indicates agencies that appear in The Regulatory Plan. The regulatory agendas of these agencies are available to the public at *http://reginfo.gov*.

Department of State
Department of Veterans Affairs *
Agency for International Development
Commission on Civil Rights
Committee for Purchase From People Who Are Blind or Severely Disabled
Corporation for National and Community Service
Court Services and Offender Supervision Agency for the District of Columbia
Equal Employment Opportunity Commission*
Institute of Museum and Library Services
National Archives and Records Administration*
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation
Office of Government Ethics
Office of Management and Budget
Office of National Drug Control Policy
Office of Personnel Management*
Peace Corps
Pension Benefit Guaranty Corporation*
Railroad Retirement Board
Social Security Administration*
Commodity Futures Trading Commission
Consumer Product Safety Commission*
Farm Credit Administration
Federal Deposit Insurance Corporation
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Trade Commission*
Gulf Coast Ecosystem Restoration Council
National Council on Disability
National Credit Union Administration
National Indian Gaming Commission*
National Labor Relations Board
National Transportation Safety Board
Surface Transportation Board

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866 (incorporated in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Regulatory Plan and Unified Agenda do not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why are the Regulatory Plan and the Unified Agenda published?

The Regulatory Plan and the Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 12866

Executive Order 12866, ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their ''most important significant regulatory actions,'' which appears as part of the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

Executive Order 13563

Executive Order 13563, ''Improving Regulation and Regulatory Review,'' issued on January 18, 2011, supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review that were established in Executive Order 12866, which includes the general principles of regulation and public participation, and orders integration and innovation in coordination across agencies; flexible approaches where relevant, feasible, and consistent with regulatory approaches; scientific integrity in any scientific or technological information and processes used to support the agencies' regulatory actions; and retrospective analysis of existing regulations.

Executive Order 13132

Executive Order 13132, ''Federalism,'' signed August 4, 1999 (64 FR 43255),

directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions ''that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more . . . in any 1 year . . .'' The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for ''those matters identified as significant energy actions.'' As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a ''major'' rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is ''major'' if it has resulted, or is likely to result, in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How are the Regulatory Plan and the Unified Agenda organized?

The Regulatory Plan appears in part II in a daily edition of the **Federal Register**. The Plan is a single document beginning with an introduction, followed by a table of contents, followed by each agency's section of the Plan. Following the Plan in the **Federal Register**, as separate parts, are the regulatory flexibility agendas for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The sections of the Plan and the parts of the Unified Agenda are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority (Agenda only); and independent regulatory agencies. Agencies may in turn be divided into subagencies. Each printed agency agenda has a table of contents listing the agency's printed entries that follow. Each agency's part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency's printed entries that follow.

Each agency's section of the Plan contains a narrative statement of regulatory priorities and, for most agencies, a description of the agency's most important significant regulatory and deregulatory actions. Each agency's part of the Agenda contains a preamble providing information specific to that agency plus descriptions of the agency's regulatory and deregulatory actions.

The online, complete Unified Agenda contains the preambles of all participating agencies. Unlike the printed edition, the online Agenda has no fixed ordering. In the online Agenda, users can select the particular agencies' agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions* — actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

Long-Term Actions are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two

stages of rulemaking in the Unified Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on *http://reginfo.gov* to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics. The online edition retains the Unified Agenda's subject index based on the **Federal Register** Thesaurus of Indexing Terms. In addition, online users have the option of searching Agenda text fields for words or phrases.

IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—a brief description of the subject of the regulation. In the printed edition, the notation ''Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an ''economically significant'' rule is similar but not identical to the definition of a ''major'' rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts, but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major — whether the rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 12/00/14 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is ''To Be Determined.'' ''Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—whether the action is expected to affect levels of government and, if so, whether the

governments are State, local, tribal, or Federal.

International Impacts—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

Federalism—whether the action has ''federalism implications'' as defined in Executive Order 13132. This term refers to actions ''that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan—whether the rulemaking was included in the agency's current regulatory plan published in fall 2014.

Agency Contact—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL—the Internet address of a site that provides more information about the entry.

Public Comment URL—the Internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the Governmentwide e-rulemaking site, *http://www.regulations.gov*.

Additional Information—any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public—the estimated gross compliance cost of the action.

Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Statement of Need—a description of the need for the regulatory action.

Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.

Risks—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

E.O.—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

Public Law (or Pub. L.)—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, Pub. L. 112–4 is the fourth public law of the 112th Congress.

RFA—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq*.) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Regulatory Plan and the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No.—The sequence number identifies the location of an entry in the printed edition of the Regulatory Plan and the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in

different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

VI. How can users get copies of the Plan and the Agenda?

Copies of the **Federal Register** issue containing the printed edition of The Regulatory Plan and the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's Web site. Please contact the particular agency for further information.

All editions of The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at *http://reginfo.gov*, along with flexible search tools.

The Government Printing Office's GPO FDsys Web site contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at *http://www.fdsys.gov*.

Dated: November 16, 2015.

John C. Thomas,

Executive Director.

INTRODUCTION TO THE 2015 REGULATORY PLAN

Executive Order 12866, issued in 1993, requires the production of a Unified Regulatory Agenda and Regulatory Plan. Executive Order 13563, issued in 2011, reaffirms the requirements of Executive Order 12866. Consistent with these Executive Orders, the Office of Information and Regulatory Affairs (OIRA) is providing the 2015 Unified Regulatory Agenda (Agenda) and the Regulatory Plan (Plan) for public review. The Agenda and Plan are preliminary statements of regulatory and deregulatory policies and priorities under consideration. The Agenda and Plan include ''active rulemakings'' that agencies could possibly conclude over the next year.

The Plan provides a list of important regulatory actions that agencies are considering for issuance in proposed or final form during the 2016 fiscal year. In contrast, the Agenda is a more inclusive list, including numerous ministerial actions and routine rulemakings, as well as long-term initiatives that agencies do not plan to complete in the coming year but on which they are actively working.

A central purpose of the Agenda is to involve the public, including State, local, and tribal officials, in Federal regulatory planning. The public examination of the Agenda and Plan will facilitate public participation in a regulatory system that, in the words of Executive Order 13563, protects ''public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation.'' We emphasize that rules listed on the Agenda must still undergo significant development and review before they are issued. No regulatory action can become effective until it has gone through the legally required processes, which generally include public notice and comment. Any proposed or final action must also satisfy the requirements of relevant statutes, Executive Orders, and Presidential Memoranda. Those requirements, public comments, and new information may or may not lead an agency to go forward with an action that is currently under contemplation. Among other information, the Agenda also provides an initial classification of whether a rulemaking is ''significant'' or ''economically significant'' under the terms of Executive Orders 12866 and 13563. Whether a regulation is listed on the Agenda as ''economically significant'' within the meaning of Executive Order 12866 (generally, having an annual effect on the economy of $100 million or more) can depend on several factors: Regulations may count as economically significant because they impose costs, confer large benefits, or remove significant burdens.

Executive Orders 13563 and 13610: Regulatory Development, and the Retrospective Review of Regulation

Executive Order 13563 reaffirmed the principles, structures, and definitions in Executive Order 12866, which has long governed regulatory review. Executive Order 13563 explicitly points to the need for predictability and certainty in the regulatory system, as well as for use of the least burdensome means to achieving regulatory ends. These Executive Orders include the requirement that, to the extent permitted by law, agencies should not proceed with rulemaking in the absence of a reasoned determination that the benefits justify the costs. They also establish public participation, integration and innovation, flexible approaches, scientific integrity, and retrospective review as areas of emphasis in regulation. In particular, Executive Order 13563 explicitly draws attention to the need to measure and improve ''the actual results of regulatory requirements''—a clear reference to the importance of the retrospective review of regulations.

Executive Order 13563 addresses new regulations that are under development, as well as retrospective review of existing regulations that are already in place. With respect to agencies' review of existing regulations, the Executive Order calls for careful reassessment based on empirical analysis. The prospective analysis required by Executive Order 13563 may depend on a degree of prediction and speculation about a rule's likely impacts, and the actual costs and benefits of a regulation may be lower or higher than what was anticipated when the rule was originally developed.

Executive Order 13610, *Identifying and Reducing Regulatory Burdens,* issued in 2012, institutionalizes the retrospective—or ''lookback''—mechanism set out in Executive Order 13563 by requiring agencies to report to the Office of Management and Budget and to the public twice each year (January and July) on the status of their retrospective review efforts. In these reports, agencies are to ''describe progress, anticipated accomplishments, and proposed timelines for relevant actions.''

Executive Orders 13563 and 13610 recognize that circumstances may change in a way that requires reconsideration of regulatory requirements. Lookback analysis allows agencies to reevaluate existing rules and to streamline, modify, or eliminate those regulations that do not make sense in their current form. The agencies' lookback efforts so far during this Administration have yielded approximately $22 billion in savings for the American public over the next five years.

The Administration is continuing to work with agencies to institutionalize retrospective review so that agencies regularly review existing rules on the books to ensure they remain effective, cost-justified, and based on the best available science. The Administration will continue to examine what is working and what is not, and eliminate unjustified and outdated regulations.

Regulatory lookback is an ongoing exercise, and continues to be a high priority for the Administration. In accordance with Executive Orders 13610 and 13563, in July 2015, agencies submitted to OIRA the latest updates of their retrospective review plans, which are publicly available at: *https://www.whitehouse.gov/omb/oira/regulation-reform*. Federal agencies will again update their retrospective review plans in January 2016. OIRA has asked agencies to continue to emphasize regulatory lookbacks in their latest Regulatory Plans.

Reflecting that focus, the current Agenda lists approximately seventy-five rules under active development that are characterized as retroactively reviewing existing programs. Below are some examples of agency plans to reevaluate current practices in accordance with Executive Orders 13563 and 13610:

—After extensive public engagement and in response to a recent court decision, the Environmental Protection Agency (EPA) is proposing revisions to the 2007 Exceptional Events rule. These revisions will streamline the process that states follow to decide whether air quality monitoring data associated with an ''exceptional event'' should be included when determining if an area is meeting national air quality standards. Exceptional events include natural events such as wildfires, stratospheric ozone intrusions, and volcanic and seismic activities. Given the possible influence of wildfires on ozone, EPA is also releasing draft guidance that provides states with additional information on preparing exceptional events demonstrations for wildfires as they relate to the ozone standards.

—The Department of Labor (DOL) has taken steps to include retrospective analysis requirements in new

regulations in order to facilitate evaluation of their impacts. For example, DOL's Mine Safety and Health Administration announced in its 2014 Respirable Dust final rule that it will conduct a retrospective review in 2017 to evaluate the data collected using continuous personal dust monitors. Additionally, the Occupational Safety and Health Administration's Recordkeeping and Reporting Requirements final rule—moving from the Standard Industrial Classification System to the North American Industry Classification System for determining which industries are low-hazard and potentially exempt from recordkeeping requirements—includes a commitment to conduct a retrospective review of the agency's recordkeeping regulations. Finally, in DOL's Wage and Hour Division's recent Notice of Proposed Rulemaking to modernize the Fair Labor Standards Act's Overtime Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees, the Division proposed to consider a future retrospective review of the rule after it is finalized and implemented.

—The Department of Housing and Urban Development (HUD) is working on a final rule to streamline, in several ways, the inspection and home warranty requirements for the Federal Housing Administration's (FHA) single family mortgage insurance. In doing so, FHA would increase choice and lower the costs for FHA borrowers. First, HUD is considering the removal of regulations that require the use of an inspector from the FHA Inspector Roster as a condition for FHA mortgage insurance. This change is based on the recognition of the sufficiency and quality of inspections carried out by local jurisdictions. Second, this rule would also remove the regulations requiring homeowners to purchase 10-year protection plans from FHA-approved warranty issuers to qualify for high loan-to-value FHA-insured mortgages. This change is based on the increased quality of construction materials and the standardization of building codes and building code enforcement. HUD expects the rule to increase flexibility for homeowners and reduce the regulatory burden on lenders.

Executive Order 13609: International Regulatory Cooperation

In addition to using regulatory lookback as a tool to make the regulatory system more efficient, the Administration has focused on promoting international regulatory cooperation. International regulatory cooperation supports economic growth, job creation, innovation, trade and investment, while also protecting public health, safety, and welfare. In May 2012, President Obama issued Executive Order 13609, *Promoting International Regulatory Cooperation,* which emphasizes the importance of these efforts as a key tool for eliminating unnecessary differences in regulation between the United States and its major trading partners. Additionally, as part of the regulatory lookback initiative, Executive Order 13609 requires agencies to ''consider reforms to existing significant regulations that address unnecessary differences in regulatory requirements between the United States and its major trading partners . . . when stakeholders provide adequate information to the agency establishing that the differences are unnecessary.''

Executive Order 13609 also directed each agency to submit a Regulatory Plan that includes ''a summary of its international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.'' Further, Executive Order 13609 requires each agency to ''ensure that significant regulations that the agency identifies as having significant international impacts are designated as such'' in the Regulatory Agenda.

In furtherance of this focus on international regulatory cooperation, in the summer of 2014, the United States and Canada released the U.S.-Canada Regulatory Cooperation Council (RCC) Joint Forward Plan.[1] The Forward Plan identifies twenty-four areas of cooperation where the United States and Canada will work together over the next three to five years in order to modernize our thinking around international regulatory cooperation and develop a toolbox of strategies to address international regulatory issues as they arise. Building on the Forward Plan, in the Spring of 2015, agencies in the United States and Canada issued joint work plans to guide focused international regulatory cooperation efforts. The Forward Plan and related work represent a significant turning point in the Administration's regulatory cooperation relationship with Canada, and outline new Federal agency-level partnership arrangements to help institutionalize the ways in which our regulators work together. The Forward Plan will help remove unnecessary requirements, develop common standards, and identify potential areas where future regulation may unnecessarily differ. This kind of international cooperation on regulations between the United States and Canada will help eliminate barriers to doing business in the United States or with U.S. companies, grow the economy, and create jobs. The Administration also continues to work with other countries, including Mexico and Brazil, to identify opportunities for regulatory cooperation.

* * * * *

The Administration continues to foster a regulatory system that emphasizes the careful consideration of costs and benefits, public participation, integration, regulatory innovation, flexible regulatory approaches, and science. These considerations are meant to produce a regulatory system that draws on recent learning, that is driven by evidence, and that is suited to the distinctive circumstances of the 21st Century.

DEPARTMENT OF AGRICULTURE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
1	Payment Limitation and Payment Eligibility—Actively Engaged in Farming	0560–AI31	Final Rule Stage.
2	Importation, Interstate Movement, and Release Into the Environment of Certain Genetically Engineered Organisms.	0579–AE15	Prerule Stage.
3	General Administrative Regulations; Catastrophic Risk Protection Endorsement; Area Risk Protection Insurance Regulations; and the Common Crop Insurance Regulations, Basic Provisions.	0563–AC43	Final Rule Stage.

[1] Available at: *http://www.whitehouse.gov/sites/default/files/omb/oira/irc/us-canada-rcc-joint-forward-plan.pdf.*

DEPARTMENT OF AGRICULTURE—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
4	Enhancing Retailer Eligibility Standards in SNAP	0584–AE27	Proposed Rule Stage.
5	Supplemental Nutrition Assistance Program (SNAP) Photo Electronic Benefit Transfer (EBT) Card Implementation Requirements.	0584–AE45	Proposed Rule Stage.
6	National School Lunch and School Breakfast Programs: Nutrition Standards for All Foods Sold in School, as Required by the Healthy, Hunger-Free Kids Act of 2010.	0584–AE09	Final Rule Stage.
7	Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010.	0584–AE18	Final Rule Stage.
8	Requirements for the Disposition of Non-Ambulatory Disabled Veal Calves	0583–AD54	Final Rule Stage.
9	USDA Local and Regional Food Aid Procurement Program	0551–AA87	Final Rule Stage.
10	Program Measures and Metrics	0570–AA95	Final Rule Stage.
11	Rural Broadband Access Loans and Loan Guarantees	0572–AC34	Final Rule Stage.
12	Agricultural Conservation Easement Program	0578–AA61	Final Rule Stage.
13	Environmental Quality Incentives Program (EQIP)	0578–AA62	Final Rule Stage.
14	Conservation Stewardship Program	0578–AA63	Final Rule Stage.

DEPARTMENT OF DEFENSE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
15	Sexual Assault Prevention and Response (SAPR) Program	0790–AJ40	Proposed Rule Stage.
16	Sexual Assault Prevention and Response Program Procedures	0790–AI36	Final Rule Stage.
17	Transition Assistance Program (TAP) for Military Personnel	0790–AJ17	Final Rule Stage.
18	Department of Defense (DoD)-Defense Industrial Base (DIB) Cybersecurity (CS) Activities.	0790–AJ29	Final Rule Stage.
19	Detection and Avoidance of Counterfeit Electronic Parts—Further Implementation (DFARS Case 2014–D005).	0750–AI58	Proposed Rule Stage.
20	Network Penetration Reporting and Contracting for Cloud Services (DFARS Case 2013–D018).	0750–AI61	Final Rule Stage.
21	TRICARE: Mental Health and Substance Use	0720–AB65	Proposed Rule Stage.

DEPARTMENT OF EDUCATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
22	REPAYE	1840–AD18	Final Rule Stage.
23	Workforce Innovation and Opportunity Act	1830–AA21	Final Rule Stage.

DEPARTMENT OF ENERGY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
24	Coverage Determination for Computers and Battery Backup Systems	1904–AD04	Proposed Rule Stage.
25	Energy Conservation Standards for General Service Lamps	1904–AD09	Proposed Rule Stage.
26	Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces	1904–AD20	Proposed Rule Stage.
27	Energy Conservation Standards for Commercial Water Heating Equipment	1904–AD34	Proposed Rule Stage.
28	Energy Conservation Standards for Central Air Conditioners and Heat Pumps	1904–AD37	Proposed Rule Stage.
29	Energy Conservation Standards for Commercial and Industrial Pumps	1904–AC54	Final Rule Stage.
30	Energy Conservation Standards for Small, Large, and Very Large Commercial Package A/C and Heating Equipment.	1904–AC95	Final Rule Stage.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
31	Increase Number of Patients to which Drug Addiction Treatment Act (DATA)-Waived Physicians Can Prescribe Buprenorphine.	0930–AA22	Proposed Rule Stage.
32	Food Labeling: Revision of the Nutrition and Supplement Facts Labels	0910–AF22	Final Rule Stage.
33	Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed At One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain RACCs.	0910–AF23	Final Rule Stage.
34	Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption.	0910–AG35	Final Rule Stage.

DEPARTMENT OF HEALTH AND HUMAN SERVICES—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
35	"Tobacco Products" Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act.	0910–AG38	Final Rule Stage.
36	Reports of Distribution and Sales Information for Antimicrobial Active Ingredients Used in Food-Producing Animals.	0910–AG45	Final Rule Stage.
37	Focused Mitigation Strategies To Protect Food Against Intentional Adulteration	0910–AG63	Final Rule Stage.
38	Foreign Supplier Verification Program	0910–AG64	Final Rule Stage.
39	Accreditation of Third-Party Auditors/Certification Bodies to Conduct Food Safety Audits and to Issue Certifications.	0910–AG66	Final Rule Stage.
40	Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products.	0910–AG94	Final Rule Stage.
41	Sanitary Transportation of Human and Animal Food	0910–AG98	Final Rule Stage.
42	Programs of All-Inclusive Care for the Elderly (PACE) Update (CMS–4168–P)	0938–AR60	Proposed Rule Stage.
43	Expansion of the CMS Qualified Entity Program (CMS–5061–P)	0938–AS66	Proposed Rule Stage.
44	Merit-Based Incentive Payment System (MIPS) and Alternative Payment Models (APMs) in Medicare Fee-for-Service (CMS–5517–P).	0938–AS69	Proposed Rule Stage.
45	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2017 Rates (CMS–1655–P).	0938–AS77	Proposed Rule Stage.
46	CY 2017 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1654–P).	0938–AS81	Proposed Rule Stage.
47	CY 2017 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1656–P).	0938–AS82	Proposed Rule Stage.
48	Medicaid Managed Care, CHIP Delivered in Managed Care, Medicaid and CHIP Comprehensive Quality Strategies, and Revisions related to Third Party Liability (CMS–2390–F).	0938–AS25	Final Rule Stage.

DEPARTMENT OF HOMELAND SECURITY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
49	Chemical Facility Anti-Terrorism Standards (CFATS)	1601–AA69	Proposed Rule Stage.
50	Adjustment of Status to Lawful Permanent Resident for Aliens in T and U Nonimmigrant Status.	1615–AA60	Proposed Rule Stage.
51	New Classification for Victims of Criminal Activity; Eligibility for the U Nonimmigrant Status.	1615–AA67	Proposed Rule Stage.
52	Exception to the Persecution Bar for Asylum, Refugee, and Temporary Protected Status, and Withholding of Removal.	1615–AB89	Proposed Rule Stage.
53	Requirements for Filing Motions and Administrative Appeals	1615–AB98	Proposed Rule Stage.
54	Significant Public Benefit Parole for Entrepreneurs	1615–AC04	Proposed Rule Stage.
55	Retention of EB–1, EB–2, and EB–3 Immigrant Workers and Program Improvements Affecting Highly-Skilled H–1B Alien Workers.	1615–AC05	Proposed Rule Stage.
56	Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for T Nonimmigrant Status.	1615–AA59	Final Rule Stage.
57	Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands.	1615–AB77	Final Rule Stage.
58	Special Immigrant Juvenile Petitions	1615–AB81	Final Rule Stage.
59	Enhancing Opportunities for H–1B1, CW–1, and E–3 Nonimmigrants and EB–1 Immigrants.	1615–AC00	Final Rule Stage.
60	Expansion of Provisional Unlawful Presence Waivers of Inadmissibility	1615–AC03	Final Rule Stage.
61	Inspection of Towing Vessels	1625–AB06	Final Rule Stage.
62	Transportation Worker Identification Credential (TWIC); Card Reader Requirements.	1625–AB21	Final Rule Stage.
63	Air Cargo Advance Screening (ACAS)	1651–AB04	Proposed Rule Stage.
64	Definition of Form I–94 to Include Electronic Format	1651–AA96	Final Rule Stage.
65	Security Training for Surface Mode Employees	1652–AA55	Proposed Rule Stage.
66	Passenger Screening Using Advanced Imaging Technology	1652–AA67	Final Rule Stage.
67	Improving and Expanding Training Opportunities for F–1 Nonimmigrant Students with STEM Degrees and Expanding Cap-Gap Relief for All F–1 Students With Pending H–1B Petitions.	1653–AA72	Proposed Rule Stage.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
68	Narrowing the Digital Divide through Broadband Installation in HUD-Funded New Construction and Substantial Rehabilitation (FR–5890).	2501–AD75	Proposed Rule Stage.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
69	Narrowing the Digital Divide Through Community Planning: Integrating Broadband Planning Into HUD's Consolidated Planning Process (FR–5891).	2506–AC41	Proposed Rule Stage.

DEPARTMENT OF JUSTICE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
70	Implementation of the ADA Amendments Act of 2008 (Section 504 of the Rehabilitation Act of 1973).	1190–AA60	Proposed Rule Stage.
71	Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Governments.	1190–AA65	Proposed Rule Stage.
72	Revision of Standards and Procedures for the Enforcement of Section 274B of the Immigration and Nationality Act.	1190–AA71	Proposed Rule Stage.
73	Implementation of the ADA Amendments Act of 2008 (Title II and Title III of the ADA).	1190–AA59	Final Rule Stage.
74	Nondiscrimination on the Basis of Disability; Movie Captioning and Audio Description.	1190–AA63	Final Rule Stage.
75	Motions To Reopen Removal, Deportation, or Exclusion Proceedings Based Upon a Claim of Ineffective Assistance of Counsel.	1125–AA68	Proposed Rule Stage.
76	Recognition of Organizations and Accreditation of Non-Attorney Representatives	1125–AA72	Proposed Rule Stage.

DEPARTMENT OF LABOR

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
77	Establishing Paid Sick Leave for Contractors, Executive Order 13706	1235–AA13	Proposed Rule Stage.
78	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees.	1235–AA11	Final Rule Stage.
79	Workforce Innovation and Opportunity Act	1205–AB73	Proposed Rule Stage.
80	Savings Arrangements Established by States for Non-Governmental Employees	1210–AB71	Proposed Rule Stage.
81	Respirable Crystalline Silica	1219–AB36	Proposed Rule Stage.
82	Proximity Detection Systems for Mobile Machines in Underground Mines	1219–AB78	Proposed Rule Stage.
83	Criteria and Procedures for Proposed Assessment of Civil Penalties	1219–AB72	Final Rule Stage.
84	Occupational Exposure to Crystalline Silica	1218–AB70	Final Rule Stage.
85	Improve Tracking of Workplace Injuries and Illnesses	1218–AC49	Final Rule Stage.

DEPARTMENT OF TRANSPORTATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
86	Use of Mobile Wireless Devices for Voice Calls on Aircraft	2105–AE30	Proposed Rule Stage.
87	Airport Safety Management System	2120–AJ38	Proposed Rule Stage.
88	Pilot Professional Development	2120–AJ87	Proposed Rule Stage.
89	Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes.	2120–AK65	Proposed Rule Stage.
90	Operation and Certification of Small Unmanned Aircraft Systems	2120–AJ60	Final Rule Stage.
91	National Goals and Performance Management Measures (MAP–21)	2125–AF54	Proposed Rule Stage.
92	National Goals and Performance Management Measures (MAP–21)	2125–AF49	Final Rule Stage.
93	National Goals and Performance Management Measures (MAP–21)	2125–AF53	Final Rule Stage.
94	Carrier Safety Fitness Determination	2126–AB11	Proposed Rule Stage.
95	Entry-Level Driver Training	2126–AB66	Proposed Rule Stage.
96	Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)	2126–AB18	Final Rule Stage.
97	Rear Seat Belt Reminder System	2127–AL37	Proposed Rule Stage.
98	Fuel Efficiency Standards for Medium- and Heavy-Duty Vehicles and Work Trucks: Phase 2.	2127–AL52	Proposed Rule Stage.
99	Transit Asset Management	2132–AB07	Proposed Rule Stage.
100	Public Transportation Agency Safety Plans	2132–AB23	Proposed Rule Stage.
101	Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines	2137–AE66	Proposed Rule Stage.
102	Pipeline Safety: Gas Transmission	2137–AE72	Proposed Rule Stage.
103	Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains.	2137–AF08	Proposed Rule Stage.

ENVIRONMENTAL PROTECTION AGENCY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
104	Interstate Transport Rule for the 2008 Ozone NAAQS	2060–AS05	Proposed Rule Stage.
105	Oil and Natural Gas Sector: Emission Standards for New and Modified Sources	2060–AS30	Proposed Rule Stage.
106	Model Trading Rules for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014.	2060–AS47	Proposed Rule Stage.
107	Proposed Renewable Fuel Volume Standards for 2017 and Biomass Based Diesel Volume (BBD) for 2018.	2060–AS72	Proposed Rule Stage.
108	Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations	2070–AJ38	Proposed Rule Stage.
109	Trichloroethylene (TCE); Rulemaking Under TSCA Section 6(a)	2070–AK03	Proposed Rule Stage.
110	N-Methylpyrrolidone (NMP) and Methylene Chloride; Rulemaking Under TSCA Section 6(a).	2070–AK07	Proposed Rule Stage.
111	Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry.	2050–AG61	Proposed Rule Stage.
112	User Fee Schedule for Electronic Hazardous Waste Manifest	2050–AG80	Proposed Rule Stage.
113	Modernization of the Accidental Release Prevention Regulations Under Clean Air Act.	2050–AG82	Proposed Rule Stage.
114	Review of the National Ambient Air Quality Standards for Lead	2060–AQ44	Final Rule Stage.
115	Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2.	2060–AS16	Final Rule Stage.
116	Renewable Fuel Volume Standards, 2014–2016 (Reg Plan)	2060–AS22	Final Rule Stage.
117	Findings That Greenhouse Gas Emissions From Aircraft Cause Or Contribute To Air Pollution That May Reasonably Be Anticipated to Endanger Public Health And Welfare Under CAA Section 231 (Reg Plan).	2060–AS31	Final Rule Stage.
118	Pesticides; Certification of Pesticide Applicators	2070–AJ20	Final Rule Stage.
119	Formaldehyde Emission Standards for Composite Wood Products	2070–AJ44	Final Rule Stage.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
120	The Federal Sector's Obligation To Be a Model Employer of Individuals With Disabilities.	3046–AA94	Proposed Rule Stage.
121	Federal Sector Equal Employment Opportunity Process	3046–AB00	Proposed Rule Stage.
122	Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008.	3046–AB02	Proposed Rule Stage.
123	Amendments to Regulations Under the Americans With Disabilities Act	3046–AB01	Final Rule Stage.

SMALL BUSINESS ADMINISTRATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
124	Small Business Innovation Research Program and Small Business Technology Transfer Program Policy Directive.	3245–AG64	Proposed Rule Stage.
125	Small Business Investment Company (SBIC) Program; Impact SBICs	3245–AG66	Proposed Rule Stage.
126	Affiliation for Business Loan Programs and Surety Bond Guarantee Program	3245–AG73	Proposed Rule Stage.
127	Small Business Mentor-Protégé Programs	3245–AG24	Final Rule Stage.
128	Small Business Government Contracting and National Defense Authorization Act of 2013 Amendments.	3245–AG58	Final Rule Stage.

SOCIAL SECURITY ADMINISTRATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
129	Vocational Factors of Age, Education, and Work Experience in the Adult Disability Determination Process.	0960–AH74	Prerule Stage.
130	Revised Medical Criteria for Evaluating Musculoskeletal Disorders (3318P)	0960–AG38	Proposed Rule Stage.
131	Revised Medical Criteria for Evaluating Digestive Disorders (3441P)	0960–AG65	Proposed Rule Stage.
132	Acceptable Medical Sources, Evaluating Evidence, and Treating Sources (3787P).	0960–AH51	Proposed Rule Stage.
133	Returning Evidence at the Appeals Council Level (3844F)	0960–AH64	Proposed Rule Stage.
134	Removal of the Expiration Date for State Disability Examiner Authority to Make Fully Favorable Quick Disability Determinations and Compassionate Allowances.	0960–AH70	Proposed Rule Stage.
135	Anti-Harassment and Hostile Work Environment Case Tracking and Records System Revised.	0960–AH82	Proposed Rule Stage.

SOCIAL SECURITY ADMINISTRATION—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
136	Amendment to the Education Category, ''Illiterate or Unable to Communicate in English'' and Clarification of Previous Work Experience Criterion for Persons who are ''Illiterate''.	0960–AH86	Proposed Rule Stage.
137	Revised Medical Criteria for Evaluating Neurological Impairments (806F)	0960–AF35	Final Rule Stage.
138	Revised Medical Criteria for Evaluating Respiratory System Disorders (859F)	0960–AF58	Final Rule Stage.
139	Revised Medical Criteria for Evaluating Mental Disorders (886F)	0960–AF69	Final Rule Stage.

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U.S. DEPARTMENT OF AGRICULTURE

Fall 2015 Statement of Regulatory Priorities

The U.S. Department of Agriculture (USDA) provides leadership on food, agriculture, natural resources, rural development, nutrition, and related issues based on sound public policy, the best available science, and efficient management. The Department touches the lives of almost every American, every day. Our regulatory plan reflects that reality and reinforces our commitment to achieve results for everyone we serve.

The regulatory plan continues USDA efforts to implement several important pieces of legislation. The 2014 Farm Bill provides authorization for services and programs that impact every American and millions of people around the world. The new Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for taxpayers. The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) allows USDA, for the first time in over 30 years, opportunity to make real reforms to the school lunch and breakfast programs by improving the critical nutrition and hunger safety net for millions of children.

To assist the country in addressing today's challenges, USDA has developed a regulatory plan consistent with five strategic goals that articulate the Department's priorities.

1. Assist Rural Communities To Create Prosperity So They Are Self-Sustaining, Re-Populating, and Economically Thriving

Rural America is home to a vibrant economy supported by nearly 50 million Americans. These Americans come from diverse backgrounds and work in a variety of industries, including manufacturing, agriculture, services, government, and trade. Today, the country looks to rural America not only to provide food and fiber, but for crucial emerging economic opportunities such as renewable energy, broadband, and recreation. Many of the Nation's small businesses are located in rural communities and are the engine of job growth and an important source of innovation for the country. The economic vitality and quality of life in rural America depends on a healthy agricultural production system. Farmers and ranchers face a challenging global, technologically advanced, and competitive business environment. USDA works to ensure that producers are prosperous and competitive, have access to new markets, can manage their risks, and receive support in times of economic distress or weather-related disasters. Prosperous rural communities are those with adequate assets to fully support the well-being of community members. USDA helps to strengthen rural assets by building physical, human and social, financial, and natural capital.

Enhance rural prosperity, including leveraging capital markets to increase Government's investment in rural America.

USDA is committed to providing broadband to rural areas. Since 2009, USDA investments have delivered broadband service to 1.5 million households, businesses, schools, libraries and community facilities. These investments support the USDA goal to create thriving communities where people want to live and raise families. Consistent with these efforts, the Rural Utilities Service (RUS) published an interim rule on July 30, 2015, implementing Rural Broadband Access Loan and Loan Guarantee Program provisions included in section 6104 of the 2014 Farm Bill. The rule established two funding cycles to review and prioritize applications for the program. It also set a minimum level of acceptable broadband service at 4 megabits downstream and 1 megabit upstream. RUS is currently developing a final rule to implement changes to the administration of the Broadband program based on public comments received. For more information about this rule, see RIN 0572–AC34.

USDA also works to increase the effectiveness of the Government's investment in rural America. To this end, Rural Development will issue a final rule to establish program metrics to measure the economic activities created through grants and loans, including any technical assistance provided as a component of the grant or loan program, and to measure the short and long-term viability of award recipients, and any entities to whom recipients provide assistance using the awarded funds. The action is required by section 6209 of the 2014 Farm Bill, and will not change the underlying provisions of the included programs, such as eligibility, applications, scoring, and servicing provisions. For more information about this rule, see RIN 0570–AA95.

Increase agricultural opportunities by ensuring a robust safety net, creating new markets, and supporting a competitive agricultural system.

In another step to increase the effectiveness of the Government's investment in rural America, the Farm Service Agency (FSA) published a proposed rule on March 26, 2015, on behalf of the Commodity Credit Corporation (CCC) to specify the requirements for a person to be considered actively engaged in farming for the purpose of payment eligibility for certain FSA and CCC programs. These changes will ensure that farm program payments are going to the farmers and farm families that they are intended to help. Specifically, FSA is revising and clarifying the requirements for a significant contribution of active personnel management to a farming operation. These changes are required by the 2014 Farm Bill, and will not apply to persons or entities comprised solely of family members. FSA is currently developing a final rule to implement changes to the rule based on public comments received. For more information about this rule, see RIN 0560–AI31.

The Federal Crop Insurance Program mitigates production and revenue losses from yield or price fluctuations and

provides timely indemnity payments. The 2014 Farm Bill improved the Federal Crop Insurance Program by allowing producers to elect coverage for shallow losses, improved options for growers of organic commodities, and the ability for diversified operations to insure their whole-farm under a single policy. To strengthen further the farm financial safety net, the Risk Management Agency (RMA) published an interim rule on June 30, 2014, that amended the general administrative regulations governing Catastrophic Risk Protection Endorsement, Area Risk Protection Insurance, and the basic provisions for Common Crop Insurance consistent with the changes mandated by the 2014 Farm Bill. RMA is currently developing a final rule to implement changes based on public comments received. For more information about this rule, see RIN 0563–AC43.

2. Ensure Our National Forests and Private Working Lands Are Conserved, Restored, and Made More Resilient to Climate Change, While Enhancing Our Water Resources

National forests and private working lands provide clean air, clean and abundant water, and wildlife habitat. These lands sustain jobs and produce food, fiber, timber, and bio-based energy. Many of our landscapes are scenic and culturally important and provide Americans a chance to enjoy the outdoors. The 2014 Farm Bill delivered a strong conservation title that made robust investments to conserve and support America's working lands, and consolidated, and streamlined programs to improve efficiency and encourage participation. Farm Bill conservation programs provide America's farmers, ranchers and others with technical and financial assistance to enable conservation of natural resources, while protecting and improving agricultural operations. Seventy percent of the American landscape is privately owned, making private lands conservation critical to the health of our nation's environment and ability to ensure our working lands are productive. To sustain these many benefits, USDA has implemented the authorities provided by the 2014 Farm Bill to protect and enhance 1.3 billion acres of working lands. USDA also manages 193 million acres of national forests and grasslands. Our partners include Federal, Tribal, and State governments; industry; non-governmental organizations, community groups and producers. The Nation's lands face increasing threats that must be addressed. USDA's natural resource-focused regulatory strategies are designed to make substantial contributions in the areas of soil health, resiliency to climate change, and improved water quality.

Improve the health of the Nation's forests, grasslands and working lands by managing our natural resources.

The Natural Resources Conservation Service (NRCS) administers the Agricultural Conservation Easement Program (ACEP), which provides financial and technical assistance to help conserve agricultural lands and wetlands and their related benefits. The 2014 Farm Bill consolidated the Wetlands Reserve Program (WRP), the Farm and Ranch Lands Protection Program (FRPP), and the Grassland Reserve Program (GRP) into ACEP. In fiscal year 2014, an estimated 143,833 acres of farmland, grasslands, and wetlands were enrolled into ACEP. Through regulation, NRCS established a comprehensive framework to implement ACEP, and standardized criteria for implementing the program, provided program participants with predictability when they initiate an application and convey an easement. On February 27, 2015, NRCS published an interim rule to implement ACEP. NRCS is currently developing a final rule to implement changes to the administration of ACEP based on public comments received. For more information about this rule, see RIN 0578–AA61.

The Conservation Stewardship Program (CSP) also helps the Department ensure that our national forests and private working lands are conserved, restored, and made more resilient to climate change. Through CSP, NRCS provides financial and technical assistance to eligible producers to conserve and enhance soil, water, air, and related natural resources on their land. NRCS makes funding for CSP available nationwide on a continuous application basis. In fiscal year 2014, NRCS enrolled about 9.6 million acres and now CSP enrollment exceeds 60 million acres, about the size of Iowa and Indiana combined. On November 5, 2014, NRCS published an interim rule to implement provisions of the 2014 Farm bill that amended CSP. Key changes included: Limiting eligible land to that in production for at least 4 of the 6 years preceding February 7, 2014, the date of enactment of the 2014 Farm Bill; requiring contract offers to meet stewardship threshold for at least two priority resource concerns and meet or exceed one additional priority resource concern by the end of the stewardship contract; allowing enrollment of lands that are protected by an agricultural land easement under the newly authorized ACEP; and allowing enrollment of lands that are in the last year of the Conservation Reserve Program. NRCS is currently developing a final rule to implement changes to the administration of CSP based on public comments received. For more information about this rule, see RIN 0578–AA63.

The Environmental Quality Incentives Program (EQIP) is another voluntary conservation program that helps agricultural producers in a manner that promotes agricultural production and environmental quality as compatible goals. Through EQIP, agricultural producers receive financial and technical assistance to implement structural and management conservation practices that optimize environmental benefits on working agricultural land. Through EQIP, producers addressed their conservation needs on over 11 million acres in fiscal year 2014. EQIP has been instrumental in helping communities respond to drought. On December 12, 2014, NRCS published an interim rule that implemented changes mandated by 2014 Farm Bill and addressed a few key discretionary provisions, including, adding waiver authority to irrigation history requirements, incorporation of Tribal Conservation Advisory Councils where appropriate, and clarifying provisions related to Comprehensive Nutrient Management Plans (CNMP) associated with Animal Feeding Operations (AFO). NRCS is currently developing a final rule to implement changes to the administration of EQIP based on public comments received. For more information about this rule, see RIN 0578–AA62.

Contribute to clean and abundant water by protecting and enhancing water resources on national forests and working lands.

The 2014 Farm Bill relinked highly erodible land conservation and wetland conservation compliance with eligibility for premium support paid under the federal crop insurance program. The Farm Service Agency implemented these provisions through an interim rule published on April, 24, 2015. Since publication of the interim rule, more than 98.2 percent of producers met the requirement to certify conservation compliance to qualify for crop insurance premium support payments. Implementing these provisions for conservation compliance is expected to extend conservation provisions for an additional 1.5 million acres of highly erodible lands and 1.1 million acres of wetlands, which will reduce soil erosion, enhance water quality, and create wildlife habitat. Through this action, NRCS modified the existing

wetlands Mitigation Banking Program to remove the requirement that USDA hold easements in the mitigation program. This allows entities recognized by USDA to hold mitigation banking easements granted by a person who wishes to maintain payment eligibility under the wetland conservation provision. FSA is currently developing a final rule to implement changes to the interim rule based on public comments received. For more information about this rule, see RIN 0560–AI26.

3. Help America Promote Agricultural Production and Biotechnology Exports as America Works To Increase Food Security

Food security is important for sustainable economic growth of developing nations and the long-term economic prosperity and security of the United States. Unfortunately, global food insecurity is expected to rise in the next five years. Food security means having a reliable source of nutritious and safe food and sufficient resources to purchase it. USDA has a role in curbing this distressing trend through programs such as Food for Progress and President Obama's Feed the Future Initiative and through new technology-based solutions, such as the development of genetically engineered plants, that improves yields and reduces post-harvest loss.

Ensure U.S. agricultural resources contribute to enhanced global food security.

The Foreign Agriculture Service (FAS) will issue a final rule for the Local and Regional procurement (LRP) Program as authorized in section 3207 of the 2014 Farm Bill. USDA implemented a successful LRP pilot program under the authorities of the 2008 Farm Bill. LRP ties to the President's 2014 Trade Policy Agenda and works with developing nations to alleviate poverty and foster economic growth to provide better markets for U.S. exporters. LRP is expected to help alleviate hunger for millions of individuals in food insecure countries. LRP supports development activities that strengthen the capacity of food-insecure developing countries, and build resilience and address the causes of chronic food insecurity while also supporting USDA's other food assistance programs, including the McGovern Dole International Food for Education and Child Nutrition Program (McGovern-Dole). In addition, the program can be used to fill food availability gaps generated by unexpected emergencies. LRP complements ongoing activities under the McGovern-Dole Program, improves dietary diversity and nutrition, and supports the sustainability of school-feeding programs as they transition to full host-government ownership. The final rule will enable FAS and its partners to strengthen the capacity of host-governments to implement their own homegrown school feeding programs. For more information about this rule, see RIN 0551–AA87.

Enhance America's ability to develop and trade agricultural products derived from new and emerging technologies.

USDA uses science-based regulatory systems to allow for the safe development, use, and trade of products derived from new agricultural technologies. USDA continues to regulate the importation, interstate movement, and field-testing of newly developed genetically engineered (GE) organisms that qualify as ''regulated articles'' to ensure they do not pose a threat to plant health before they can be commercialized. These science-based evaluations facilitate the safe introduction of new agricultural production options and enhance public and international confidence in these products. As a part of this effort, the Animal and Plant Health Inspection Service (APHIS) will publish a proposed rule to revise its regulations and align them with current authorizations by incorporating the noxious weed authority and regulate GE organisms that pose plant pest or weed risks in a manner that balances oversight and risk, and that is based on the best available science. The regulatory framework being developed will enable more focused, risk-based regulation of GE organisms that pose plant pest or noxious weed risks and will implement regulatory requirements only to the extent necessary to achieve the APHIS protection goal. For more information about this rule, see RIN 0579–AE15.

4. Ensure That All of America's Children Have Access to Safe, Nutritious, and Balanced Meals

A plentiful supply of safe and nutritious food is essential to the well-being of every family and the healthy development of every child in America. Science has established strong links between diet, health, and productivity. Even small improvements in the average diet, fostered by USDA, may yield significant health and economic benefits. However, foodborne illness is still a common, costly—yet largely preventable—public health problem, even though the U.S. food supply system is one of the safest in the world. USDA is committed to ensuring that Americans have access to safe food through a farm-to-table approach to reduce and prevent foodborne illness. To help ensure a plentiful supply of food, the Department detects and quickly responds to new invasive species and emerging agricultural and public health situations.

Improve access to nutritious food.

USDA's domestic nutrition assistance programs serve one in four Americans annually. The Department is committed to making benefits available to every eligible person who wishes to participate in the major nutrition assistance programs, including the Supplemental Nutrition Assistance Program (SNAP), the cornerstone of the nutrition assistance safety net, which helped over 46 million Americans—more than half of whom were children, the elderly, or individuals with disabilities—put food on the table in 2014. The Department will soon propose changes to eligibility requirements for SNAP retail food stores to ensure access to nutrition foods for home preparation and consumption for the families most vulnerable to food insecurity. While the ultimate objective is for economic opportunities to make nutrition assistance unnecessary for as many families as possible, we will ensure that these vital programs remain ready to serve all eligible people who need them.

The Department is also committed to helping ensure children have access to healthy, balanced meals throughout the day, as mandated by HHFKA, through the USDA child nutrition programs, including school, child care and summer meal programs. The summer meal programs have seen a historic increase in participation, with 11 million more meals served in 2015 compared to the previous summer, serving a total of more than 187 million meals at over 50,000 summer meal sites throughout the country.

Promote healthy diet and physical activity behaviors.

The Administration has set a goal to solve the problem of childhood obesity within a generation so that children born today will reach adulthood at a healthy weight. On school days, children who participate in both the breakfast and lunch programs consume as many as half of their calories at school. The Department must ensure that all foods served in school contribute to good health, and the HHFKA provided new authority to set common-sense nutrition standards for food sold throughout the school day. To help accomplish this goal, the Food and Nutrition Service (FNS) will publish three rules implementing provisions of the HHFKA.

FNS published an interim rule on June 28, 2013, for Nutrition Standards for All Foods Sold in School, as required by HHFKA. Section 208 requires the Secretary to promulgate regulations to establish science-based nutrition standards for all foods sold in schools, outside the school meal programs, on the school campus, and at any time during the school day. FNS is currently developing a final rule to implement changes to the interim rule based on public comments received. For more information about this rule, see RIN 0584–AE09.

FNS published the proposed rule, Meal Pattern Revisions Related to the Healthy Hunger-Free Kids Act of 2010, on January 15, 2015, to implement section 221 of the HHFKA. This section requires USDA to review and update, no less frequently than once every 10 years, requirements for meals served under the Child and Adult Care Food Program (CACFP) to ensure that meals are consistent with the most recent Dietary Guidelines for Americans and relevant nutrition science. FNS is currently developing a final rule to implement changes to the proposed rule based on public comments received. For more information about this rule, see RIN 0584–AE18.

FNS published the proposed rule, Local School Wellness Policy Implementation and School Nutrition Environment Information, on February 28, 2014, to implement section 204 of the HHFKA. As a result of meal pattern changes in the school meals programs, students are now eating 16 percent more vegetables and there was a 23 percent increase in the selection of fruit at lunch. This Act requires each local educational agency participating in Federal child nutrition programs to establish, for all schools under its jurisdiction, a local school wellness policy to maintain this momentum. The HHFKA requires that the wellness policy include goals for nutrition, nutrition education, physical activity, and other school-based activities that promote student wellness. In addition, the HHFKA requires that local educational agencies ensure stakeholder participation in development of local school wellness policies; periodically assess compliance with the policies; and disclose information about the policies to the public. FNS is currently developing a final rule to implement changes to the proposed rule based on public comments received. For more information about this rule, see RIN 0584–AE25.

Protect agricultural health by minimizing major diseases and pests to ensure access to safe, plentiful, and nutritious food.

The Food Safety and Inspection Service (FSIS) continue to enforce and improve compliance with the Humane Methods of Slaughter Act. FSIS published a proposed rule on May 13, 2015, that would require non-ambulatory disabled veal calves that are offered for slaughter to be condemned and promptly euthanized. Currently, FSIS allows veal calves that are unable to rise from a recumbent position to be set aside and warmed or rested, and presented for slaughter if they regain the ability to walk. FSIS has found that this practice may contribute to the inhumane treatment of the veal calves. This rule will improve compliance with the Humane Methods of Slaughter Act by encouraging improved treatment of veal calves, as well as improve inspection efficiency by allowing FSIS inspection program personnel to devote more time to activities related to food safety. FSIS is currently developing a final rule to implement these changes based on public comments received. For more information about this rule, see RIN 0583–AD54.

5. Create a USDA for the 21st Century That Is High Performing, Efficient, and Adaptable

USDA has been a leader in the Federal government at implementing innovative practices to rein in costs and increase efficiencies. By taking steps to find efficiencies and cut costs, USDA employees have achieved savings and cost avoidances of over $1.4 billion in recent years. Some of these results came from relatively smaller, common-sense initiatives such as the $1 million saved by streamlining the mail handling at one of the USDA mailrooms or the consolidation of the Department's cell phone contracts, which is saving taxpayers over $5 million per year. Other results have come from larger-scale activities, such as the focus on reducing non-essential travel that has yielded over $400 million in efficiencies. Overall, these results have allowed us to do more with less during a time when such stewardship of resources has been critical to meeting the needs of those that we serve.

While these proactive steps have given USDA the tools to carry out our mission-critical work, ensuring that USDA's millions of customers receive stronger service, they are matters relating to agency management, personnel, public property, and/or contracts, and as such they are not subject to the notice and comment requirements for rulemaking codified at 5 U.S.C. 553. Consequently, they are not included in the Department's regulatory agenda. For more information about the USDA efforts to cut costs and modernize operations via the Blueprint for Stronger Service Initiative, see *http://www.usda.gov/wps/portal/usda/usdahome?contentidonly=true&contentid=blueprint_for_stronger_service.html*.

Retrospective Review of Existing Regulations

In accordance with Executive Order 13563, ''Improving Regulation and Regulatory Review,'' and Executive Order 13610, ''Identifying and Reducing Regulatory Burdens,'' USDA continues to review its existing regulations and information collections to evaluate the continued effectiveness in addressing the circumstances for which the regulations were implemented. As part of this ongoing review to maximize the cost-effectiveness of its regulatory programs, USDA will publish a **Federal Register** notice inviting public comment to assist in analyzing its existing significant regulations to determine whether any should be modified, streamlined, expanded, or repealed.

USDA has identified the following regulatory actions as associated with retrospective review and analysis. Some of the regulatory actions on the below list are completed actions, which do not appear in the Regulatory Agenda. You can find more information about these completed rulemakings in past publications of the Unified Agenda (search the Completed Actions sections) on *www.reginfo.gov*. Other entries on this list are still in development and have not yet appeared in the Regulatory Agenda. You can read more about these entries and the Department's strategy for regulation reform at *http://www.usda.gov/wps/portal/usda/usdahome?navid=USDA_OPEN*.

Agency	Title	RIN
Animal Plant Health & Inspection Service (APHIS).	Participation in the International Trade Data System (ITDS) via the Automated Commercial Environment (ACE).	TBD.
Food Safety & Inspection Service (FSIS)	Electronic Export Application and Certification Fee	0583–AD41.
Agricultural Marketing Service (AMS)	Input Export Form Numbers into the Automated Export System	TBD.

Agency	Title	RIN
AMS	Revisions to the Electronic Submission of the Import Request of Shell Eggs	0581–AD40.
APHIS	Forms for Declaration Mandated by 2008 Farm Bill (Lacey Act amendments)	0579–AD99.
Farm Service Agency (FSA) and Risk Management Agency.	Acreage and Crop Reporting Streamlining Initiative	0563–0084.
FSA	Environmental Policies and Procedures; Compliance with the National Environmental Policy Act and Related Authorities.	0560–AH02.
Natural Resources Conservation Service	Conservation Delivery Streamlining Initiative (CDSI)—Conservation Client Gateway (CCG).	TBD.
Rural Business Services (RBS)	Business and Industry Loan Guaranteed Program	0570–AA85.
Rural Housing Service	Community Facilities Loan and Grants	0575–AC91.
FSIS	Electronic Import Inspection and Certification of Imported Products and Foreign Establishments.	0583–AD39.
Forest Service (FS)	National Environmental Policy Act Efficiencies	0596–AD01.
FSA	Streamlined Farm Loan Programs Direct Loan Making	0560–0237.
Food and Nutrition Service (FNS)	Direct Certification for School Meals	0584–AE10.
FSIS	Prior Labeling Approval System: Generic Label Approval	0583–AC59.
FSIS	Modernization of Poultry Slaughter Inspection	0583–AD32.
FNS	Simplified Cost Accounting and Other Actions to Reduce Paperwork in the Summer Food Service Program.	0584–AD84.
Rural Business Services (RBS)	Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance.	0570–AA73, 0570–0065.
RBS	Rural Energy for America Program	0570–AA76.

USDA—FARM SERVICE AGENCY (FSA)

Final Rule Stage

1. Payment Limitation and Payment Eligibility—Actively Engaged in Farming

Priority: Other Significant.

Legal Authority: 7 U.S.C. 1308–1 note

CFR Citation: 7 CFR 1400.

Legal Deadline: None.

Abstract: The Farm Service Agency (FSA) is revising regulations on behalf of the Commodity Credit Corporation (CCC) to specify the requirements for a person to be considered actively engaged in farming for the purpose of payment eligibility for certain FSA and CCC programs. Specifically, FSA is revising and clarifying the requirements for a significant contribution of active personnel management to a farming operation. These changes are required by the Agricultural Act of 2014 (the 2014 Farm Bill). The provisions of the rule will not apply to persons or entities comprised solely of family members. The rule will not change the existing regulations as they relate to contributions of land, capital, equipment, labor, or the special rules related to landowners with a risk in the crop or spouses.

Statement of Need: This rule is needed to update the FSA regulations to implement a provision in the 2014 Farm Bill.

Summary of Legal Basis: The Agricultural Act of 2014 (Pub. L. 113–79).

Alternatives: There are alternatives about how many managers a farming operation may be able to have qualify for payments based on being actively engaged in farming.

Anticipated Cost and Benefits: A cost-benefit analysis was prepared for this rule and will be made available when the rule is published.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	03/26/15	80 FR 15916
NPRM Comment Period End.	05/26/15	
Final Action	12/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW., Washington, DC 20250–0572, *Phone:* 202 205–5851, *Fax:* 202 720–5233, *Email: deirdre.holder@wdc.usda.gov*.

RIN: 0560–AI31

USDA—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)

Prerule Stage

2. • Importation, Interstate Movement, and Release Into the Environment of Certain Genetically Engineered Organisms

Priority: Other Significant.

Legal Authority: Not Yet Determined

CFR Citation: 7 CFR 340.

Legal Deadline: None.

Abstract: USDA uses science-based regulatory systems to allow for the safe development, use, and trade of products derived from new agricultural technologies. USDA continues to regulate the importation, interstate movement, and field-testing of newly developed genetically engineered (GE) organisms that qualify as regulated articles'' to ensure they do not pose a threat to plant health before they can be commercialized. These science-based evaluations facilitate the safe introduction of new agricultural production options and enhance public and international confidence in these products. As a part of this effort, the Animal and Plant Health Inspection Service (APHIS) will publish a proposed rule to revise its regulations and align them with current authorizations by incorporating the noxious weed authority and regulate GE organisms that pose plant pest or weed risks in a manner that balances oversight and risk, and that is based on the best available science. The regulatory framework being developed will enable more focused, risk-based regulation of GE organisms that pose plant pest or noxious weed risks and will implement regulatory requirements only to the extent necessary to achieve the APHIS protection goal.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an Environmental Impact Statement.	11/00/15	
NPRM	07/00/16	

Action	Date	FR Cite
NPRM Comment Period End.	09/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: Local, State.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov*.

Agency Contact: Andrea Huberty, Branch Chief, Policy, Program, and Regulatory Consultation Branch, Policy Coordination Program, BRS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 147, Riverdale, MD 20737–1236, *Phone:* 301 851–3880.

RIN: 0579–AE15

USDA—FEDERAL CROP INSURANCE CORPORATION (FCIC)

Final Rule Stage

3. General Administrative Regulations; Catastrophic Risk Protection Endorsement; Area Risk Protection Insurance Regulations; and the Common Crop Insurance Regulations, Basic Provisions

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: Pub. L. 113–79

CFR Citation: 7 CFR 400; 7 CFR 457.

Legal Deadline: Final, Statutory, June 30, 2014, 2015 Contract year.

Abstract: The Federal Crop Insurance Corporation amends the General Administrative Regulations—Ineligibility for Programs under the Federal Crop Insurance Act, the Catastrophic Risk Protection Endorsement, the Area Risk Protection Insurance Regulations, and the Common Crop Insurance Regulations, Basic Provisions, to revise those revisions affected by changes mandated by the Agricultural Act of 2014 (commonly referred to as the 2014 Farm Bill), enacted on February 7, 2014.

Statement of Need: This Final rule is needed complete the Interim Final Rule that updates FCIC regulations required to implement provisions of the Agricultural Act of 2014.

Summary of Legal Basis: The Agricultural Act of 2014.

Alternatives: N/A.

Anticipated Cost and Benefits: A benefit-cost analysis was prepared for the Interim Final Rule and no significant changes have been made to this Final Rule which would alter the initial analysis which will be made available when the rule is published.

Risks: None.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective.	06/30/14	79 FR 37155
Interim Final Rule Comment Period End.	09/02/14	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Timothy Hoffmann, Director, Product Administration and Standards Division, Department of Agriculture, Federal Crop Insurance Corporation, 6501 Beacon Drive, Kansas City, MO 64133, *Phone:* 816 926–7387.

RIN: 0563–AC43

USDA—FOOD AND NUTRITION SERVICE (FNS)

Proposed Rule Stage

4. Enhancing Retailer Eligibility Standards in SNAP

Priority: Other Significant.

Legal Authority: 3 U.S.C. 2012; 9 U.S.C. 2018

CFR Citation: 7 CFR 271.2; 7 CFR 278.1.

Legal Deadline: None.

Abstract: This rulemaking will address the criteria used to authorize redemption of SNAP benefits (especially by restaurant-type operations).

Statement of Need: The 2014 Farm Bill amended the Food and Nutrition Act of 2008 to increase the requirement that certain SNAP authorized retail food stores have available on a continual basis at least three varieties of items in each of four staple food categories to a mandatory minimum of seven. The 2014 Farm Bill also amended the Act to increase for certain SNAP authorized retail food stores the minimum number of categories in which perishable foods are required from two to three. This rule would codify these mandatory requirements. Further, using existing authority in the Act and feedback from an expansive Request for Information, the rulemaking also proposes changes to address depth of stock, redefine staple and accessory foods, and amend the definition of retail food store to clarify when a retailer is a restaurant rather than a retail food store.

Summary of Legal Basis: Section 3(k) of the Food and Nutrition Act of 2008 (the Act) generally (with limited exception) (1) requires that food purchased with SNAP benefits be meant for home consumption and (2) forbids the purchase of hot foods with SNAP benefits. The intent of those statutory requirements can be circumvented by selling cold foods, which may be purchased with SNAP benefits, and offering onsite heating or cooking of those same foods, either for free or at an additional cost. In addition, section 9 of the Act provides for approval of retail food stores and wholesale food concerns based on their ability to effectuate the purposes of the Program.

Alternatives: Because this proposed rule is under development, alternatives are not yet articulated.

Anticipated Cost and Benefits: The proposed changes will allow FNS to improve access to healthy food choices for SNAP participants and to ensure that participating retailers effectuate the purposes of the Program. FNS anticipates that these provisions will have no significant costs to States.

Risks: None identified.

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: State.

Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–0800, *Email: charles.watford@fns.usda.gov*.

Lynnette M. Thomas, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–4782, *Email: lynnette.thomas@fns.usda.gov*.

RIN: 0584–AE27

USDA—FNS

5. Supplemental Nutrition Assistance Program (SNAP) Photo Electronic Benefit Transfer (EBT) Card Implementation Requirements

Priority: Other Significant.

Legal Authority: Pub L. 104–193

CFR Citation: 7 CFR 273; 7 CFR 274; 7 CFR 278.

Legal Deadline: None.

Abstract: Under section 7(h)(9) of the Food and Nutrition Act of 2008 (the Act), as amended [7 U.S.C. 2016(h)(9)], States have the option to require that SNAP Electronic Benefit Transfer (EBT) card contain a photo of one or more household members. This rule would incorporate into regulation and provide additional clarity on the Food and Nutrition Service (FNS) guidance developed for State agencies wishing to implement the photo EBT card option.

Statement of Need: The regulation would create a clearer structure for those States wishing to exercise the option of placing a photo on EBT cards and ensure uniform accessibility for participants in all States.

Summary of Legal Basis: The Food and Nutrition Act of 2008 requires that any States choosing to issue a photo on the EBT card establish procedures to ensure that all other household members or any authorized representative of the household may utilize the card. Furthermore, applying this option must also preserve client rights and responsibilities afforded by the Act to ensure that all household members are able to maintain uninterrupted access to benefits, that non-applicants applying on behalf of eligible household members are not negatively impacted, and that SNAP recipients using photo EBT cards are treated equitably in accordance with Federal law when purchasing food at authorized retailers.

Alternatives: None.

Anticipated Cost and Benefits: The changes to be proposed are not expected to create serious inconsistencies or otherwise interfere with actions taken or planned by another agency or materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof. The requirements will not raise novel or legal policy issues.

Budgetary impact on FNS is expected to be limited. Photo EBT card implementation in multiple States may require additional Federal staff for review and approval of implementation plans and for on-going monitoring via management evaluations.

As a result of this rule, States that exercise the option to implement photos on EBT cards would incur costs associated with development of an implementation plan, State staff training, client training, and retailer training. It is expected that providing guidance or oversight of these requirements would fall under the standard purview of these agencies and could be absorbed by existing staff. State Agencies are responsible for approximately 50% of SNAP administration costs, which would include the costs associated with implementing and maintaining photo EBT cards.

Risks: FNS recognizes the existence of violating retailers and others buying and using multiple cards and pins to stock their shelves and will propose an alternative to address possession of multiple cards and PINs to allow for additional verification at point-of-sale in some specific instances.

Recent attempts to implement photographs on the EBT card have proven difficult for some States. This rule will expand on current program regulations to provide clarification and more detailed guidance to States implementing the photo EBT option and ensure program access is protected.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Local, State.

Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–0800, *Email: charles.watford@fns.usda.gov*.

RIN: 0584–AE45

USDA—FNS

Final Rule Stage

6. National School Lunch and School Breakfast Programs: Nutrition Standards for All Foods Sold in School, as Required by the Healthy, Hunger–Free Kids Act of 2010

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: Pub. L. 111–296

CFR Citation: 7 CFR 210; 7 CFR 220.

Legal Deadline: None.

Abstract: This rule codifies the two provisions of the Healthy, Hunger-Free Kids Act (Pub. L. 111–296; the Act) under 7 CFR parts 210 and 220. Section 203 requires schools participating in the National School Lunch Program to make available to children free of charge, as nutritionally appropriate, potable water for consumption in the place where meals are served during meal service. Section 208 requires the Secretary to promulgate regulations to establish science-based nutrition standards for all foods sold in schools. The nutrition standards apply to all food sold outside the school meal programs, on the school campus, and at any time during the school day.

Statement of Need: This rule codifies the two provisions of the Healthy, Hunger-Free Kids Act (Pub. L. 111–296; the Act) under 7 CFR parts 210 and 220. Section 203 requires schools participating in the National School Lunch Program to make available to children free of charge, as nutritionally appropriate, potable water for consumption in the place where meals are served during meal service. Section 208 requires the Secretary to promulgate proposed regulations to establish science-based nutrition standards for all foods sold in schools not later than December 13, 2011. The nutrition standards apply to all food sold outside the school meal programs, on the school campus, and at any time during the school day.

Summary of Legal Basis: There is no existing regulatory requirement to make water available where meals are served. Regulations at 7 CFR parts 210.11 direct State agencies and school food authorities to establish regulations necessary to control the sale of foods in competition with lunches served under the NSLP, and prohibit the sale of foods of minimal nutritional value in the food service areas during the lunch periods. The sale of other competitive foods may, at the discretion of the State agency and school food authority, be allowed in the food service area during the lunch period only if all income from the sale of such foods accrues to the benefit of the nonprofit school food service or the school or student organizations approved by the school. State agencies and school food authorities may impose additional restrictions on the sale of and income from all foods sold at any time throughout schools participating in the Program.

Alternatives: None.

Anticipated Cost and Benefits: Expected Costs Analysis and Budgetary Effects Statement: The Congressional Budget Office has determined that these provisions would incur no Federal costs.

Although the complexity of factors that influence overall food consumption and obesity prevent us from defining a level of dietary change or disease or cost reduction that is attributable to the rule, there is evidence that standards like those in the rule will positively influence and perhaps directly improve

food choices and consumption patterns that contribute to students' long-term health and well-being, and reduce their risk for obesity.

Any rule-induced benefit of healthier eating by school children would be accompanied by costs, at least in the short term. Healthier food may be more expensive than unhealthy food either in raw materials, preparation, or both and this greater expense would be distributed among students, schools, and the food industry.

Risks: None known.

Timetable:

Action	Date	FR Cite
NPRM	02/08/13	78 FR 9530
NPRM Comment Period End.	04/09/13	
Interim Final Rule	06/28/13	78 FR 39067
Interim Final Rule Effective.	08/27/13	
Interim Final Rule Comment Period End.	10/28/13	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Local, State.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Agency Contact: James F. Herbert, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 305–2572, *Email: james.herbert@fns.usda.gov*.

Lynnette M. Thomas, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone*: 703 605–4782, *Email: lynnette.thomas@fns.usda.gov*.

RIN: 0584–AE09

USDA—FNS

7. Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010

Priority: Other Significant.

Legal Authority: Pub. L. 111–296

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 226.

Legal Deadline: None.

Abstract: This final rule will implement section 221 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111–296, the Act). It requires USDA to review and update, no less frequently than once every 10 years, requirements for meals served under the Child and Adult Care Food Program (CACFP) to ensure those meals are consistent with the most recent Dietary Guidelines for Americans and relevant nutrition science.

Statement of Need: Section 221 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111–296, the Act) requires USDA to review and update, no less frequently than once every 10 years, requirements for meals served under the Child and Adult Care Food Program (CACFP) to ensure those meals are consistent with the most recent Dietary Guidelines for Americans and relevant nutrition science. The Act also clarifies the purpose of the program, restricts the use of food as a punishment or reward, outlines requirements for milk and milk substitution, and introduces requirements for the availability of water. This rule establishes the criteria and procedures for implementing these provisions of the Act.

Summary of Legal Basis: Section 221 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111–296).

Alternatives: There are several instances throughout the proposed rule and its associated Regulatory Impact Analysis that offered alternatives for review and comment to the various criteria and procedures discussed.

Anticipated Cost and Benefits: This rule will improve the nutritional quality of meals served and the overall health of children participating in the CACFP. Most CACFP meals are served to children from low-income households. As described in the Regulatory Impact Analysis, the baseline is the current cost of food to CACFP providers. The rule more closely aligns the meals served in CACFP with the *Dietary Guidelines* in an essentially cost-neutral manner. USDA estimates that the rule will result in a very small decrease in the cost for CACFP providers to prepare and serve meals to program participants, and may result in a small, temporary increase in labor and administrative costs to implement the rule. Therefore, it is projected that no meaningful net change in cost will occur as a result of this rule.

Risks: None identified.

Timetable:

Action	Date	FR Cite
NPRM	01/15/15	80 FR 2037
NPRM Comment Period End.	04/15/15	
NPRM Comment Period Extended.	04/27/15	80 FR 23243
NPRM Comment Period Extended End.	05/27/15	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Local, State.

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RIN: 0584–AE18

USDA—FOOD SAFETY AND INSPECTION SERVICE (FSIS)

Final Rule Stage

8. Requirements for the Disposition of Non-Ambulatory Disabled Veal Calves

Priority: Other Significant.

Legal Authority: Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*)

CFR Citation: 9 CFR 309.

Legal Deadline: None.

Abstract: Food Safety and Inspection Service (FSIS) is developing final regulations to amend the ante-mortem inspection regulations to remove a provision that permits establishments to set apart and hold for treatment veal calves that are unable to rise from a recumbent position and walk because they are tired or cold (9 CFR 309.13(b)). The regulations permit such calves to proceed to slaughter if they are able to rise and walk after being warmed or rested. FSIS proposed to require that non-ambulatory disabled (NAD) veal calves that are offered for slaughter be condemned and promptly euthanized. The existing regulations require that NAD mature cattle be condemned on ante-mortem inspection and that they be promptly euthanized (9 CFR 309.3(e)). FSIS believes that prohibiting the slaughter of all NAD veal calves would improve compliance with the Humane Methods of Slaughter Act of 1978 (HMSA), and the humane slaughter implementing regulations. It also would improve the Agency's inspection efficiency by eliminating the time that FSIS inspection program personnel

(IPP) spend re-inspecting non-ambulatory disabled veal calves.

Statement of Need: Removing the provision from 9 CFR 309.13(b) would eliminate uncertainty as to what is to be done with veal calves that are non-ambulatory disabled because they are tired or cold, or because they are injured or sick, thereby ensuring the appropriate disposition of these animals. In addition, removing the provision in 9 CFR 309.13(b) would improve inspection efficiency by eliminating the time that FSIS IPP spend assessing the treatment of non-ambulatory disabled veal calves.

Summary of Legal Basis: 21 U.S.C. 603(a) and (b).

Alternatives: The Agency considered two alternatives to the proposed amendment: The status quo and prohibiting the slaughter of non-ambulatory disabled ''bob veal,'' which are calves generally less than one week old.

Anticipated Cost and Benefits: If the rule is adopted, non-ambulatory disabled veal calves will not be re-inspected during ante-mortem inspection. The veal calves that are condemned during ante-mortem inspection will be euthanized. The estimated annual cost to the veal industry would range between $2,368 and $161,405. The expected benefits of this proposed rule are not quantifiable. However, the rule would ensure the humane disposition of the non-ambulatory disabled veal calves. It also would increase the efficiency and effective implementation of inspection and humane handling requirements at official establishments.

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	05/13/15	80 FR 27269
NPRM Comment Period End.	08/12/15	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Dr. Daniel L. Engeljohn, Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW., 349–E JWB, Washington, DC 20250, *Phone:* 202 205–0495, *Fax:* 202 720–2025, *Email: daniel.engeljohn@fsis.usda.gov*.

RIN: 0583–AD54

USDA—FOREIGN AGRICULTURAL SERVICE (FAS)

Final Rule Stage

9. USDA Local and Regional Food Aid Procurement Program

Priority: Other Significant.

Legal Authority: Section 3207 of the Agriculture Act of 2014

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: FAS is issuing a final rule with comment for the USDA Local and Regional Food Aid Procurement Program (USDA LRP Program), authorized in section 3207 of the Agricultural Act of 2014. The USDA LRP Program funds may be used to support development activities that strengthen the capacity of food-insecure developing countries, and build resilience and address the causes of chronic food insecurity and support USDA's other food assistance programs, especially the McGovern Dole International Food for Education and Child Nutrition Program (McGovern-Dole). In addition, funds may be used to fill food availability gaps generated by unexpected emergencies. USDA LRP Program funding used to complement ongoing activities under the McGovern-Dole Program will improve dietary diversity and nutrition, and support the graduation and sustainability of school-feeding programs as they transition to full host-government ownership. LRP funding will enable FAS and its partners to build the capacity of host-governments to implement their own homegrown school feeding programs. A final rule is needed for FAS to begin implementing the program in FY 2016 and will establish awardee obligations regarding financial management and performance standards specifying applicable Departmental regulations and incorporating statutory requirements. The promulgation of a rule to administer the USDA LRP program will require the assignment of a new CFR number.

Statement of Need: It is necessary for Local and Regional Food Aid Procurement Program (LRP) regulations to be put in place before solicitations for application to the LRP program can be made for FY2016. The changes to Section 3207 in the 2014 Farm Bill require USDA to issue new regulations in order to enact the local and regional procurement provisions. The regulations will clarify: Program intent; application process; agreements process; payments; transport; recordkeeping and reporting; monitoring and evaluation; and noncompliance issues. The LRP regulations will be aligned with regulations for existing USDA food assistance programs, including Food for Progress Program and the McGovern-Dole International Food for Education and Child Nutrition Program.

Summary of Legal Basis: 7 U.S.C. 1726c and Sections 3207 of the Agricultural Act of 2014 (Pub. L. 113–79).

Alternatives: N/A.

Anticipated Cost and Benefits: It is anticipated that adopting a local and regional procurement program will bring about several benefits identified under the local and regional pilot project. Primarily, USDA LRP Program will result in cost savings in transport, shipping, and handling; better match between recipients needs and program commodity availability; and time savings between the procurement and delivery of food, which is especially important in emergency situations; and providing a means to strengthen or build local supply chains.

In addition, recipients under the LRP Pilot generally prefer locally and regionally sourced food over food sourced from other areas making it more suitable for food preparation and more accepted by school-aged children. This acceptability and availability would also impact the small scale producers who would experience an increase in demand and help them achieve economies of scale.

Risks: None.

Timetable:

Action	Date	FR Cite
Final Rule With Comments.	02/00/16	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: International Impacts: This regulatory action will be likely to have international trade and development effects, or otherwise be of international interest.

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RIN: 0551–AA87

USDA—RURAL BUSINESS—COOPERATIVE SERVICE (RBS)

Final Rule Stage

10. Program Measures and Metrics

Priority: Other Significant.
Legal Authority: Pub. L. 113–79, sec 6209
CFR Citation: 7 CFR 4284, subpart J; 7 CFR 4280, subparts A and D; 7 CFR 4284, subparts E and F; 7 CFR 4279, subparts A and B; 7 CFR 4287, subpart B; 7 CFR 4274, subpart D; 7 CFR 1942, subpart A; 7 CFR 3575, subpart A; 7 CFR 3570, subpart B.
Legal Deadline: None.
Abstract: The Agency is proposing to publish an Interim Rule with request for comments that will codify certain program measures and metrics for included Agency programs and establish the process by which the Agency will collect the data. Section 6209 of the Agricultural Act of 2014 (2014 Farm Bill) (Pub. L. 113–79) requires the Secretary of Agriculture to collect data regarding economic activities created through grants and loans, including any technical assistance provided as a component of the grant or loan program, and measure the short- and long-term viability of award recipients and any entities to whom those recipients provide assistance using award funds. The proposed action will not change the underlying provisions of the included programs (*e.g.,* eligibility, applications, scoring, and servicing provisions).
Statement of Need: This interim rule implements section 6209, Program Measures and Metrics, under the Agricultural Act of 2014 (2014 Farm Bill). The proposed action will codify the measures and metrics identified in section 6209(c)(2)(B) through (D) for each included program and establish the process by which the Agency will collect the data. The proposed action will not change the underlying provisions of the included programs (*e.g.,* eligibility, applications, scoring, and servicing provisions).

To implement section 6209, the Agency plans to publish a single rule that will modify each of the included programs accordingly. While the specific provisions may vary from program to program, the rule will, at minimum, specify for each program:

- The performance measures required to be collected by the statute (*i.e.,* percentage of increase of employees, number of business starts and clients served, and any benefits such as an increase in revenue or customer base) and other measures in addition to these as determined by the Agency,
- Who is responsible for providing those metrics, and the time frame over which the metrics will be collected (this could vary depending on whether a grant or a loan/guaranteed loan is awarded).

Summary of Legal Basis:
Alternatives:
Anticipated Cost and Benefits:
Risks:
Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/16	

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.
Government Levels Affected: None.
Agency Contact: MaryPat Dasal, Department of Agriculture, Rural Business–Cooperative Service, 1400 Independence Avenue SW., Washington, DC 20250, *Phone:* 202 720–7853, *Email: marypat.daskal@wdc.usda.gov.*
RIN: 0570–AA95

USDA—RURAL UTILITIES SERVICE (RUS)

Final Rule Stage

11. Rural Broadband Access Loans and Loan Guarantees

Priority: Other Significant.
Legal Authority: Pub. L. 107–171; 7 U.S.C. 901 *et seq.*
CFR Citation: 7 CFR 1738.
Legal Deadline: None.
Abstract: The Rural Utilities Service (RUS) is amending regulations for the Rural Broadband Access Loan and Loan Guarantee program to implement section 6104 of the Agriculture Act of 2014 (2014 Farm Bill), which made changes the Agency must adopt prior to accepting applications for future loans. RUS published this regulation as an interim rule, which took effect upon publication in the **Federal Register** on July 30, 2015. The rulemaking will allow the Agency to begin accepting applications once again.

In addition, the Agency is seeking comments regarding this interim rule to guide its efforts in drafting the final rule for the Broadband Loan Program. The Comment Date ends September 28, 2015.

Statement of Need: The Rural Utilities Service (RUS) is amending regulations for the Rural Broadband Access Loan and Loan Guarantee program to implement section 6104 of the Agriculture Act of 2014 (2014 Farm Bill) which made changes the Agency must adopt prior to accepting applications for future loans. RUS published this regulation as an interim rule, which took effect upon publication in the **Federal Register** on July 30, 2015. The rulemaking will allow the Agency to begin accepting applications once again.

Summary of Legal Basis: On May 13, 2002, the Farm Security and Rural Investment Act of 2002, Public Law 107–171 (2002 Farm Bill) was signed into law. The 2002 Farm Bill amended the Rural Electrification Act of 1936 to include title VI, the Rural Broadband Access Loan and Loan Guarantee Program (Broadband Loan Program), to be administered by the Agency. Title VI authorized the Agency to approve loans and loan guarantees for the costs of construction, improvement, and acquisition of facilities and equipment for broadband service in eligible rural communities. Under the 2002 Farm Bill, the Agency was directed to promulgate regulations without public comment. Implementing the program required a different lending approach for the Agency than it employed in its earlier telephone program because of the unregulated, highly competitive, and technologically diverse nature of the broadband market. Those regulations were published on January 30, 2003, at 68 FR 4684.

In an attempt to enhance the Broadband Loan Program and to acknowledge growing criticism of funding competitive areas, the Agency proposed to amend the program's regulations on May 11, 2007, at 72 FR 26742. As the Agency began analysis of the public comments it received on the proposed regulations, the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) was working its way through Congress. On March 14, 2011, the Agency published an interim rule implementing the requirements of the 2008 Farm Bill and started accepting applications. The Agency did not receive any significant comments to the interim rule and published a final rule on February 6, 2013. With the enactment of the Agricultural Act of 2014 (2014 Farm Bill) section 6104, Public Law 113–79 (Feb. 7, 2014), additional requirements were added to the Broadband Loan Program, including the prioritization of approving applications, a minimum benchmark of broadband service, a more transparent public notice requirement, and the first statutorily required reporting standards, all of which are implemented in the rule.

Alternatives: N/A.
Anticipated Cost and Benefits: Bringing broadband services to rural areas does present some challenges.

Because rural systems must contend with lower household density than urban systems, the cost to deploy fiber-to-the-home (FTTH) and 4G LTE systems in urban communities is considerably lower on a per household basis, making urban systems more economical to construct. Depending upon the technology deployed it can cost three times more, on average, to provide service to rural customers than to customers located in urban areas. Other associated rural issues, such as environmental challenges or providing wireless service through mountainous areas, also can add to the cost of deployment.

Areas with low population size, locations that have experienced persistent population loss and an aging population, or places where population is widely dispersed over demanding terrain generally have difficulty attracting broadband service providers. These characteristics can make the fixed cost of providing broadband access too high, or limit potential demand, thus depressing the profitability of providing service. Clusters of lower service exist in sparsely populated areas, such as the Dakotas, eastern Montana, northern Minnesota, and eastern Oregon. Other low-service areas, such as the Missouri-Iowa border and Appalachia, have aging and declining numbers of residents. Nonetheless, rural areas in some States (such as Nebraska, Kansas, and Vermont) have higher-than expected broadband service, given their population characteristics, suggesting that policy, economic, and social factors can overcome common barriers to broadband expansion.

Most employment growth in the U.S. over the last several decades has been in the service sector, a sector especially conducive for broadband applications. Broadband allows rural areas to compete for low- and high-end service jobs, from call centers to software development. Rural businesses have been adopting more e-commerce and Internet practices, improving efficiency and expanding market reach. Some rural retailers use the Internet to satisfy supplier requirements. The farm sector, a pioneer in rural Internet use, is increasingly comprised of farm businesses that purchase inputs and make sales online. Farm household characteristics such as age, education, presence of children, and household income are significant factors in adopting broadband Internet use, whereas distance from urban centers is not a factor. Larger farm businesses are more apt to use broadband in managing their operation; the more multifaceted the farm business, the more the farm used the Internet.

The 2015 subsidy rate is 18.69 percent. The available FY 2015 budget authority for this program is $4.5 million, which will provide a program level of $24.077 million in outlays at the current subsidy rate. Since the Interim Regulation for the Broadband Program was published in March of 2011, 27 applications have been received for an average of 7 loan applications per year. The applications range in size and may cover requests for funding for many communities. All of the pre-loan data collected by the applicant is generally submitted to RUS at the same time. The annual burden for preparation and submission per respondent for the pre-loan data is estimated to be 400 hours per response, response to the public notice filing requirement is 1.5 hours per response, and the preparation of loan documents is estimated at 24 hours per response.

The Agency estimates the cost to respondents will be at $108,325. The overall hours spent per application and cost to respondents did not change from the former regulation. The projected change in the overall cost to the government is minimal compared with the former projections, only $366. The burden of review breaks out into the following fashion: It is projected that there will be one more hour for the engineering analysis and financial analysis per application. The initial financial review and initial engineering review stay the same as it is under the previous regulation, as does the loan closing attorney and clerical assistance. Finally, it is estimated that the Loan Closing-Analyst time per application will increase by a half hour.

Risks: Without access to advanced telecommunications networks, rural areas suffer from declining educational opportunities, inadequate health care, depressed economies, and high unemployment. In contrast, access to broadband can play a vital role in offsetting the obstacles of distances and isolation that have traditionally stifled rural progress and living standards. With broadband infrastructure in place high volumes of data can be shared easily across distances great and small. This technology is not a luxury service but rather a lifeline to modern everyday transactions. Without this basic utility rural residents do not and will not have adequate medical or educational services; rural businesses unable to thrive; and local governments disorganized and unconnected. Broadband accessibility is as fundamental for the future viability of rural communities today as was the telephone in the 20th century, and as railroads and highways were more than a century ago.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/15	80 FR 45397
Interim Final Rule Effective.	07/30/15	
Interim Final Rule Comment Period End.	09/28/15	
Final Rule	07/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

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RIN: 0572–AC34

USDA—NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

Final Rule Stage

12. Agricultural Conservation Easement Program

Priority: Other Significant.

Legal Authority: Pub. L. 113–79

CFR Citation: 7 CFR 1468.

Legal Deadline: Other, Statutory, November 4, 2014, 270 days from enactment of Pub. L. 113–79.

Abstract: The Agricultural Act of 2014 (the 2014 Act) consolidated the Wetlands Reserve Program (WRP), the Farm and Ranch Lands Protection Program (FRPP), and the Grassland Reserve Program (GRP) into a single Agricultural Conservation Easement Program (ACEP). The consolidated easement program has two components: An agricultural land easement component and a wetland reserve easement component. The agricultural land easement component is patterned after the former FRPP with GRP's land eligibility components merged into it. The wetland reserve easement component is patterned after WRP. Land previously enrolled in the three contributing programs is considered enrolled in the new ACEP.

Statement of Need: The Agricultural Act of 2014 (2014 Act) consolidated several of the Title XII (of the Food Security Act of 1985) conservation easement programs and provided for the continued operations of former

programs. NRCS promulgated a consolidated conservation easement regulation to reflect the 2014 Act's consolidation of the WRP, FRPP, and GRP programs. This action is needed to respond to comments received.

Summary of Legal Basis: NRCS published an interim rule to implement the consolidated conservation easement program. This regulation action is pursuant to section 1246 of the Food Security Act of 1985, as amended by the 2014 Act, which requires regulations necessary to implement title II of the 2014 Act through an interim rule with request for comments.

Alternatives: NRCS determined that rulemaking was the appropriate mechanism through which to implement the 2014 Act consolidation of the three source conservation easement programs. Additionally, NRCS determined that the Agency needs standard criteria for implementing the program and program participants need predictability when initiating an application and conveying an easement. The regulation aims to establish a comprehensive framework for working with program participants to implement ACEP. Upon consideration of public comment, NRCS will promulgate final program regulations.

Anticipated Cost and Benefits: The 2014 Act has consolidated three conservation easement programs into a single conservation easement program with two components. The program will be implemented under the general supervision and direction of the Chief of NRCS, who is a Vice President of the Commodity Credit Corporation (CCC). Through ACEP, NRCS will continue to purchase wetland reserve easements directly and will contribute funds to eligible entities for their purchase of agricultural land easements that protect working farm and grazing lands. Participation in the program is voluntary.

The primary benefits associated with this rulemaking are the following:

- Provides an opportunity for public comment in program regulations.
- Provides a regulatory framework for NRCS to implement a consolidated conservation easement program.
- Provides transparency to the public potential applicants on NRCS program requirements.

The primary costs imposed by this regulation are the following:

- The costs incurred by private landowners are negative or zero, since this is a voluntary program, and they are compensated for the rights that they transfer.
- Other costs incurred by society through market changes are localized or negligible.

Risks: N/A.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/15	80 FR 11032
Interim Final Rule Comment Period End.	04/28/15	
Interim Final Rule Comment Period Reopened.	04/30/15	80 FR 24191
Interim Final Rule Comment Period Reopened End.	05/28/15	
Final Rule	04/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Leslie Deavers, Acting Farm Bill Coordinator, Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue SW., Washington, DC 20250, *Phone:* 202 720–5484, *Email: leslie.deavers@wdc.usda.gov.*

RIN: 0578–AA61

USDA—NRCS

13. Environmental Quality Incentives Program (EQIP)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 15 U.S.C. 714b and 714c; 16 U.S.C. 3839AA—3839–8

CFR Citation: 7 CFR 1466.

Legal Deadline: Other, Statutory, November 4, 2014, 270 days from enactment of Pub. L. 113–79.

Abstract: The Natural Resources Conservation Service (NRCS) promulgated the current Environmental Quality Incentives Program (EQIP) regulation on January 15, 2009, through an interim rule. The interim rule incorporated programmatic changes authorized by the Food, Conservation, and Energy Act of 2008 (the 2008 Act). NRCS published a correction to the interim rule on March 12, 2009, and an amendment to the interim rule on May 29, 2009. NRCS has implemented EQIP in FY 2009 through FY 2013 under the current regulation. The Agricultural Act of 2014 (2014 Act) amended chapter 4 of subtitle D of title XII of the Food Security Act of 1985 by making the following changes to EQIP program requirements: (1) Eliminates requirement that contract must remain in place for a minimum of one year after last practice implemented, but keeps requirement that the contract term is not to exceed 10 years; (2) consolidates elements of Wildlife Habitat Incentives Program (WHIP) and repeals WHIP authority; (3) replaces rolling six-year payment limitation with payment limitation for FY 2014–FY 2018; (4) requires Conservation Innovation Grants (CIG) reporting no later than December 31, 2014, and every two years thereafter; (4) establishes payment limitation at $450,000 and eliminates waiver authority; (5) modifies the special rule for foregone income payments for certain associated management practices and resource concern priorities; (6) makes advance payments available up to 50 percent for eligible historically underserved participants to purchase material or contract services instead of the previous 30 percent; (7) provides flexibility for repayment of advance payment if not expended within 90 days; and (8) requires that for each fiscal year from of the FY 2014 to FY 2018, at least 5 percent of available EQIP funds shall be targeted for wildlife-related conservation practices. The 2014 Act further identifies EQIP as a contributing program authorized to accomplish the purposes of the Regional Conservation Partnership Program (RCPP) (subtitle I of title XII of the Food Security Act of 1985, as amended). RCPP replaces the Agricultural Water Enhancement Program (AWEP), Chesapeake Bay Watershed Program (CBWP), Cooperative Conservation Partnership Initiative (CCPI), and the Great Lakes Basin Program for soil erosion and sediment control. Like the programs it replaces, RCPP will operate through regulations in place for contributing programs. The other contributing programs include the Conservation Stewardship Program, the Healthy Forests Reserve Program, and the new Agricultural Conservation Easement Program (ACEP). NRCS published an interim rule to incorporate the 2014 Act changes to EQIP program administration. This regulation action is pursuant to section 1246 of the Food Security Act of 1985, as amended by section 2608 of the 2014 Act, which requires regulations necessary to implement title II of the 2014 Act be promulgated through the interim rule process.

Statement of Need: The Agricultural Act of 2014 (the 2014 Act) consolidated several of the title XII conservation programs and provided for the continued operations of former programs. NRCS updated the EQIP regulation to incorporate the 2014 Act changes, including consolidation of the

purposes formerly addressed through the Wildlife Habitat Incentives Program (WHIP). This action is needed to respond to comments received.

Summary of Legal Basis: The 2014 Act has reauthorized and amended the Environmental Quality Incentives Program (EQIP). EQIP was first added to the Food Security Act of 1985 (1985 Act) (16 U.S.C. 3801 *et seq.*) by the Federal Agriculture Improvement and Reform Act of 1996 (1996 Act) (16 U.S.C. 3839aa). The program is implemented under the general supervision and direction of the Chief of NRCS, who is a Vice President of the Commodity Credit Corporation (CCC).

Alternatives: NRCS considered only making the changes mandated by the 2014 Farm Bill. This alternative would have missed opportunities to improve the implementation of the program.

Anticipated Cost and Benefits: Through EQIP, NRCS provides assistance to farmers and ranchers to conserve and enhance soil, water, air, and related natural resources on their land. Eligible lands include cropland, grassland, rangeland, pasture, wetlands, nonindustrial private forest land, and other agricultural land on which agricultural or forest-related products, or livestock are produced and natural resource concerns may be addressed. Participation in the program is voluntary.

The primary benefits associated with this rulemaking are the folowing:

- Provides continued consistency for the NRCS to implement EQIP.
- Provides transparency to potential applicants on NRCS program requirements.

The primary costs imposed by this regulation are the following:

- All program participants must follow the same requirements, even though they are very different types of agricultural operations in different resource contexts.
- Most program participants are required to contribute at least 25 percent of the resources needed to implement program practices. However, such costs are standard for such financial assistance programs.

Risks: N/A.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/12/14	79 FR 73953
Interim Final Rule Effective.	12/12/14	
Interim Final Rule Comment Period End.	02/10/15	
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

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RIN: 0578–AA62

USDA—NRCS

14. Conservation Stewardship Program

Priority: Other Significant.

Legal Authority: 16 U.S.C. 3838d to 3838g

CFR Citation: 7 CFR 1470.

Legal Deadline: None.

Abstract: NRCS published an interim rule to incorporate the Agriculture Act of 2014 (the 2014 Act) changes to Conservation Stewardship Program (CSP) program administration. This regulatory action is pursuant to section 1246 of the Food Security Act of 1985 (1985 Act), as amended by the 2014 Act, which requires regulations necessary to implement title II of the 2014 Act through an interim rule with request for comments.

Background: The Food, Conservation, and Energy Act of 2008 Act (2008 Act) amended the 1985 Act to establish CSP and authorized the program in fiscal years 2009 through 2013. The 2014 Act re-authorized and revised CSP. The purpose of CSP is to encourage producers to address priority resource concerns and improve and conserve the quality and condition of the natural resources in a comprehensive manner by (1) undertaking additional conservation activities, and (2) improving, maintaining, and managing existing conservation activities. The Secretary of Agriculture delegated authority to the Chief, Natural Resources Conservation Service (NRCS), to administer CSP. Through CSP, NRCS provides financial and technical assistance to eligible producers to conserve and enhance soil, water, air, and related natural resources on their land. Eligible lands include private or tribal cropland, grassland, pastureland, rangeland, non-industrial private forest lands, and other land in agricultural areas (including cropped woodland, marshes, and agricultural land capable of being used for the production of livestock) on which resource concerns related to agricultural production could be addressed. Participation in the program is voluntary. CSP encourages land stewards to improve their conservation performance by installing and adopting additional activities, and improving, maintaining, and managing existing activities on eligible land. NRCS makes funding for CSP available nationwide on a continuous application basis.

Statement of Need: The Agricultural Act of 2014 (the 2014 Act) amended several of the title XII conservation programs and provided for the continued operations of former programs. NRCS updated the CSP regulation to incorporate the 2014 Act changes. This action is responds to comments received.

Summary of Legal Basis: The 2014 Act has reauthorized and amended the Conservation Stewardship Program (CSP). CSP was first added to the Food Security Act of 1985 (1985 Act) (16 U.S.C. 3801 *et seq.*) by the Food, Conservation, and Energy Act of 2008. The program is implemented under the general supervision and direction of the Chief of NRCS, who is a Vice President of the Commodity Credit Corporation (CCC).

Alternatives: NRCS considered only making the changes mandated by the 2014 Farm Bill. This alternative would have missed opportunities to improve the implementation of the program. NRCS would consider alternatives suggested during the public comment period.

Anticipated Cost and Benefits: CSP is a voluntary program that encourages agricultural and forestry producers to address priority resource concerns by (1) undertaking additional conservation activities and (2) improving and maintaining existing conservation systems. CSP provides financial and technical assistance to help land stewards conserve and enhance soil, water, air, and related natural resources on their land.

CSP is available to all producers, regardless of operation size or crops produced, in all 50 States, the District of Columbia, and the Caribbean and Pacific Island areas. Eligible lands include cropland, grassland, prairie land, improved pastureland, rangeland, nonindustrial private forest land, and agricultural land under the jurisdiction of an Indian tribe. Applicants may include individuals, legal entities, joint operations, or Indian tribes.

CSP pays participants for conservation performance, the higher the performance, the higher the payment. It provides two possible types of payments. An annual payment is available for installing new conservation activities and maintaining existing

practices. A supplemental payment is available to participants who also adopt a resource conserving crop rotation.

Through five-year contracts, NRCS makes payments as soon as practical after October 1 of each fiscal year for contract activities installed and maintained in the previous year. A person or legal entity may have more than one CSP contract but, for all CSP contracts combined, may not receive more than $40,000 in any year or more than $200,000 during any five-year period.

The primary benefits associated with this rulemaking are the following:

• Provides continued consistency for the NRCS to implement CSP.

• Provides transparency to potential applicants on NRCS program requirements.

The primary costs imposed by this regulation are that all program participants must follow the same basic programmatic requirements, even though they are very different types of agricultural operations in different resource contexts.

The 2014 Act further identifies CSP as a contributing program authorized to accomplish the purposes of the Regional Conservation Partnership Program (RCPP) (subtitle I of title XII of the Food Security Act of 1985, as amended). RCPP replaces the Agricultural Water Enhancement Program (AWEP), Chesapeake Bay Watershed Program (CBWP), Cooperative Conservation Partnership Initiative (CCPI), and the Great Lakes Basin Program for soil erosion and sediment control. Like the programs it replaces, RCPP will operate through regulations in place for contributing programs. The other contributing programs include the Environmental Quality Incentives Program, the Healthy Forests Reserve Program, and the new Agricultural Conservation Easement Program (ACEP).

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/05/14	79 FR 65835
Interim Final Rule Effective.	11/05/14	
Interim Final Rule Comment Period End.	01/05/15	
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

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DEPARTMENT OF COMMERCE (DOC)

Statement of Regulatory and Deregulatory Priorities

Established in 1903, the Department of Commerce (Commerce) is one of the oldest Cabinet-level agencies in the Federal Government. Commerce's mission is to create the conditions for economic growth and opportunity by promoting innovation, entrepreneurship, competitiveness, and environmental stewardship. Commerce has 12 operating units, which are responsible for managing a diverse portfolio of programs and services, ranging from trade promotion and economic development assistance to broadband and the National Weather Service.

Commerce touches Americans daily, in many ways—making possible the daily weather reports and survey research; facilitating technology that all of us use in the workplace and in the home each day; supporting the development, gathering, and transmission of information essential to competitive business; enabling the diversity of companies and goods found in America's and the world's marketplace; and supporting environmental and economic health for the communities in which Americans live.

Commerce has a clear and compelling vision for itself, for its role in the Federal Government, and for its roles supporting the American people, now and in the future. To achieve this vision, Commerce works in partnership with businesses, universities, communities, and workers to:

• Innovate by creating new ideas through cutting-edge science and technology from advances in nanotechnology, to ocean exploration, to broadband deployment, and by protecting American innovations through the patent and trademark system;

• Support entrepreneurship and commercialization by enabling community development and strengthening minority businesses and small manufacturers;

• Maintain U.S. economic competitiveness in the global marketplace by promoting exports, ensuring a level playing field for U.S. businesses, and ensuring that technology transfer is consistent with our nation's economic and security interests;

• Provide effective management and stewardship of our nation's resources and assets to ensure sustainable economic opportunities; and

• Make informed policy decisions and enable better understanding of the economy by providing accurate economic and demographic data.

Commerce is a vital resource base, a tireless advocate, and Cabinet-level voice for job creation.

The Regulatory Plan tracks the most important regulations that implement these policy and program priorities, several of which involve regulation of the private sector by Commerce.

Responding to the Administration's Regulatory Philosophy and Principles

The vast majority of the Commerce's programs and activities do not involve regulation. Of Commerce's 12 primary operating units, only the National Oceanic and Atmospheric Administration (NOAA) will be planning actions that are considered the ''most important'' significant preregulatory or regulatory actions for FY 2016. During the next year, NOAA plans to publish eight rulemaking actions that are designated as Regulatory Plan actions. The Bureau of Industry and Security (BIS) may also publish rulemaking actions designated as Regulatory Plan actions. Further information on these actions is provided below.

Commerce has a long-standing policy to prohibit the issuance of any regulation that discriminates on the basis of race, religion, gender, or any other suspect category and requires that all regulations be written so as to be understandable to those affected by them. The Secretary also requires that Commerce afford the public the maximum possible opportunity to participate in Departmental rulemakings, even where public participation is not required by law.

National Oceanic and Atmospheric Administration

NOAA establishes and administers Federal policy for the conservation and management of the Nation's oceanic, coastal, and atmospheric resources. It provides a variety of essential environmental and climate services vital to public safety and to the Nation's economy, such as weather forecasts, drought forecasts, and storm warnings. It is a source of objective information on the state of the environment. NOAA

plays the lead role in achieving Commerce's goal of promoting stewardship by providing assessments of the global environment.

Recognizing that economic growth must go hand-in-hand with environmental stewardship, Commerce, through NOAA, conducts programs designed to provide a better understanding of the connections between environmental health, economics, and national security. Commerce's emphasis on ''sustainable fisheries'' is designed to boost long-term economic growth in a vital sector of the U.S. economy while conserving the resources in the public trust and minimizing any economic dislocation necessary to ensure long-term economic growth. Commerce is where business and environmental interests intersect, and the classic debate on the use of natural resources is transformed into a ''win-win'' situation for the environment and the economy.

Three of NOAA's major components, the National Marine Fisheries Services (NMFS), the National Ocean Service (NOS), and the National Environmental Satellite, Data, and Information Service (NESDIS), exercise regulatory authority.

NMFS oversees the management and conservation of the Nation's marine fisheries, protects threatened and endangered marine and anadromous species and marine mammals, and promotes economic development of the U.S. fishing industry. NOS assists the coastal States in their management of land and ocean resources in their coastal zones, including estuarine research reserves; manages the national marine sanctuaries; monitors marine pollution; and directs the national program for deep-seabed minerals and ocean thermal energy. NESDIS administers the civilian weather satellite program and licenses private organizations to operate commercial land-remote sensing satellite systems.

Commerce, through NOAA, has a unique role in promoting stewardship of the global environment through effective management of the Nation's marine and coastal resources and in monitoring and predicting changes in the Earth's environment, thus linking trade, development, and technology with environmental issues. NOAA has the primary Federal responsibility for providing sound scientific observations, assessments, and forecasts of environmental phenomena on which resource management, adaptation, and other societal decisions can be made.

In the environmental stewardship area, NOAA's goals include: Rebuilding and maintaining strong U.S. fisheries by using market-based tools and ecosystem approaches to management; increasing the populations of depleted, threatened, or endangered species and marine mammals by implementing recovery plans that provide for their recovery while still allowing for economic and recreational opportunities; promoting healthy coastal ecosystems by ensuring that economic development is managed in ways that maintain biodiversity and long-term productivity for sustained use; and modernizing navigation and positioning services. In the environmental assessment and prediction area, goals include: Understanding climate change science and impacts, and communicating that understanding to government and private sector stakeholders enabling them to adapt; continually improving the National Weather Service; implementing reliable seasonal and interannual climate forecasts to guide economic planning; providing science-based policy advice on options to deal with very long-term (decadal to centennial) changes in the environment; and advancing and improving short-term warning and forecast services for the entire environment.

Magnuson-Stevens Fishery Conservation and Management Act

Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) rulemakings concern the conservation and management of fishery resources in the U.S. Exclusive Economic Zone (generally 3–200 nautical miles). Among the several hundred rulemakings that NOAA plans to issue in FY 2016, a number of the preregulatory and regulatory actions will be significant. The exact number of such rulemakings is unknown, since they are usually initiated by the actions of eight regional Fishery Management Councils (FMCs) that are responsible for preparing fishery management plans (FMPs) and FMP amendments, and for drafting implementing regulations for each managed fishery. NOAA issues regulations to implement FMPs and FMP amendments. Once a rulemaking is triggered by an FMC, the Magnuson-Stevens Act places stringent deadlines upon NOAA by which it must exercise its rulemaking responsibilities. FMPs and FMP amendments for Atlantic highly migratory species, such as bluefin tuna, swordfish, and sharks, are developed directly by NOAA, not by FMCs.

FMPs address a variety of issues including maximizing fishing opportunities on healthy stocks, rebuilding overfished stocks, and addressing gear conflicts. One of the problems that FMPs may address is preventing overcapitalization (preventing excess fishing capacity) of fisheries. This may be resolved by market-based systems such as catch shares, which permit shareholders to harvest a quantity of fish and which can be traded on the open market. Harvest limits based on the best available scientific information, whether as a total fishing limit for a species in a fishery or as a share assigned to each vessel participant, enable stressed stocks to rebuild. Other measures include staggering fishing seasons or limiting gear types to avoid gear conflicts on the fishing grounds and establishing seasonal and area closures to protect fishery stocks.

The FMCs provide a forum for public debate and, using the best scientific information available, make the judgments needed to determine optimum yield on a fishery-by-fishery basis. Optional management measures are examined and selected in accordance with the national standards set forth in the Magnuson-Stevens Act. This process, including the selection of the preferred management measures, constitutes the development, in simplified form, of an FMP. The FMP, together with draft implementing regulations and supporting documentation, is submitted to NMFS for review against the national standards set forth in the Magnuson-Stevens Act, in other provisions of the Act, and other applicable laws. The same process applies to amending an existing approved FMP.

Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972 (MMPA) provides the authority for the conservation and management of marine mammals under U.S. jurisdiction. It expressly prohibits, with certain exceptions, the take of marine mammals. The MMPA allows NMFS to permit the collection of wild animals for scientific research or public display or to enhance the survival of a species or stock. NMFS initiates rulemakings under the MMPA to establish a management regime to reduce marine mammal mortalities and injuries as a result of interactions with fisheries. The MMPA also established the Marine Mammal Commission, which makes recommendations to the Secretaries of the Departments of Commerce and the Interior and other Federal officials on protecting and conserving marine mammals. The Act underwent significant changes in 1994 to allow for takings incidental to commercial fishing operations, to provide certain exemptions for subsistence and

scientific uses, and to require the preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction.

Endangered Species Act

The Endangered Species Act of 1973 (ESA) provides for the conservation of species that are determined to be ''endangered'' or ''threatened,'' and the conservation of the ecosystems on which these species depend. The ESA authorizes both NMFS and the Fish and Wildlife Service (FWS) to jointly administer the provisions of the MMPA. NMFS manages marine and ''anadromous'' species, and FWS manages land and freshwater species. Together, NMFS and FWS work to protect critically imperiled species from extinction. Of the approximately 1,300 listed species found in part or entirely in the United States and its waters, NMFS has jurisdiction over approximately 60 species. NMFS' rulemaking actions are focused on determining whether any species under its responsibility is an endangered or threatened species and whether those species must be added to the list of protected species. NMFS is also responsible for designating, reviewing, and revising critical habitat for any listed species. In addition, under the ESA's procedural framework, Federal agencies consult with NMFS on any proposed action authorized, funded, or carried out by that agency that may affect one of the listed species or designated critical habitat, or is likely to jeopardize proposed species or adversely modify proposed critical habitat that is under NMFS' jurisdiction.

NOAA's Regulatory Plan Actions

While most of the rulemakings undertaken by NOAA do not rise to the level necessary to be included in Commerce's regulatory plan, NMFS is undertaking eight actions that rise to the level of ''most important'' of Commerce's significant regulatory actions and thus are included in this year's regulatory plan. A description of the eight regulatory plan actions is provided below.

1. Revisions to the General section and Standards 1, 3, and 7 of the National Standard Guidelines (0648–BB92): This action would propose revisions to the National Standard 1 (NS1) guidelines. National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act states that ''conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.'' The National Marine Fisheries Service (NMFS) last revised the NS1 Guidelines in 2009 to reflect the requirements enacted by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 for annual catch limits and accountability measures to end and prevent overfishing. Since 2007, NMFS and the Regional Fishery Management Councils have been implementing the new annual catch limit and accountability measures requirements. Based on experience gained from implementing annual catch limits and accountability measures, NMFS has developed new perspectives and identified issues regarding the application of the NS1 guidelines that may warrant them to be revised to more fully meet the intended goal of preventing overfishing while achieving, on a continuing basis, the optimum yield from each fishery. The focus of this action is to improve the NS1 guidelines.

2. Designation of Critical Habitat for North Atlantic Right Whale (0648–AY54): The National Marine Fisheries Service proposes to revise critical habitat for the North Atlantic right whale. This proposal would modify the critical habitat previously designated in 1994, based on improved knowledge derived from a variety of studies, internal analysis and surveys since 1994. The improved understanding of right whale ecology and habitat needs over the last 20 years supports the rule's proposed expansion of critical habitat in areas of the northeast important for feeding and in southern calving grounds along the coast from southern North Carolina to northern Florida.

3. Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico (0648–AS65): The purpose of this fishery management plan is to develop a regional permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf of Mexico exclusive economic zone. This fishery management plan consists of ten actions, each with an associated range of management alternatives, which would facilitate the permitting of an estimated 5 to 20 offshore aquaculture operations in the Gulf of Mexico over the next 10 years, with an estimated annual production of up to 64 million pounds. By establishing a regional permitting process for aquaculture, the Gulf of Mexico Fishery Management Council will be positioned to achieve their primary goal of increasing maximum sustainable yield and optimum yield of federal fisheries in the Gulf of Mexico by supplementing harvest of wild caught species with cultured product. This rulemaking would outline a regulatory permitting process for aquaculture in the Gulf of Mexico, including: (1) Required permits; (2) duration of permits; (3) species allowed; (4) designation of sites for aquaculture; (5) reporting requirements; and (6) regulations to aid in enforcement.

4. Requirements for Importation of Fish and Fish Products under the U.S. Marine Mammal Protection Act (0648–AY15): With this action, the National Marine Fisheries Service is developing procedures to implement the provisions of section 101(a)(2) of the Marine Mammal Protection Act for imports of fish and fish products. Those provisions require the Secretary of Treasury to ban imports of fish and fish products from fisheries with bycatch of marine mammals in excess of U.S. standards. The provisions further require the Secretary of Commerce to insist on reasonable proof from exporting nations of the effects on marine mammals of bycatch incidental to fisheries that harvest the fish and fish products to be imported.

5. Revision to the Definition of Destruction or Adverse Modification of Critical Habitat (0648–BB80): The U.S. Fish and Wildlife Service's and the National Marine Fisheries Service's revision of the regulatory definition of ''destruction or adverse modification'' of critical habitat will establish a binding regulatory definition to replace the 1986 definition that was invalidated by Federal courts.

6. Implementing Changes to the Regulations for Designating Critical Habitat (0648–BB79): The U.S. Fish and Wildlife Service's and the National Marine Fisheries Service's rule will amend portions of 50 CFR 424 to clarify procedures for designating and revising critical habitat. The rule makes minor changes to the scope and purpose, alters some definitions, and clarifies the criteria for designating critical habitat.

7. Final Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act (0648–BB82): This policy provides the U.S. Fish and Wildlife Service's and the National Marine Fisheries Service's position on how we consider partnerships and conservation plans, conservation plans permitted under section 10 of the ESA, tribal lands, military lands, Federal lands, national security and homeland security impacts, and economic impacts in the exclusion process. The policy will complement the amendment to the regulations regarding impact analyses of critical habitat designations and clarify

critical habitat exclusions under section 4(b)(2) of the ESA and provide for a credible and predictable critical habitat exclusion process.

8. Magnuson-Stevens Fishery Conservation and Management Act; Seafood Import Monitoring Program (0648–BF09): The Magnuson-Stevens Fishery Conservation and Management Act prohibits the importation and trade in interstate commerce of fishery products from fish caught in in violation of any foreign law or regulation.

Bureau of Industry and Security

The Bureau of Industry and Security (BIS) advances U.S. national security, foreign policy, and economic objectives by maintaining and strengthening adaptable, efficient, and effective export control and treaty compliance systems as well as by administering programs to prioritize certain contracts to promote the national defense and to protect and enhance the defense industrial base.

Major Programs and Activities

BIS administers four sets of regulations. The Export Administration Regulations (EAR) regulate exports and reexports to protect national security, foreign policy, and short supply interests. The EAR also regulates U.S. persons' participation in certain boycotts administered by foreign governments. The National Security Industrial Base Regulations provide for prioritization of certain contracts and allocations of resources to promote the national defense, require reporting of foreign Government-imposed offsets in defense sales, provide for surveys to assess the capabilities of the industrial base to support the national defense and address the effect of imports on the defense industrial base. The Chemical Weapons Convention Regulations implement declaration, reporting, and on-site inspection requirements in the private sector necessary to meet United States treaty obligations under the Chemical Weapons Convention treaty. The Additional Protocol Regulations implement similar requirements with respect to an agreement between the United States and the International Atomic Energy Agency.

BIS also has an enforcement component with nine offices covering the United States. BIS export control officers are also stationed at several U.S. embassies and consulates abroad. BIS works with other U.S. Government agencies to promote coordinated U.S. Government efforts in export controls and other programs. BIS participates in U.S. Government efforts to strengthen multilateral export control regimes and to promote effective export controls through cooperation with other Governments.

BIS' Regulatory Plan Actions

In August 2009, the President directed a broad-based interagency review of the U.S. export control system with the goal of strengthening national security and the competitiveness of key U.S. manufacturing and technology sectors by focusing on the current threats and adapting to the changing economic and technological landscape. In August 2010, the President outlined an approach, known as the Export Control Reform Initiative (ECRI), under which agencies that administer export controls will apply new criteria for determining what items need to be controlled and a common set of policies for determining when an export license is required. The control list criteria are to be based on transparent rules, which will reduce the uncertainty faced by our Allies, U.S. industry and its foreign customers, and will allow the Government to erect higher walls around the most sensitive export items in order to enhance national security.

Under the President's approach, agencies are to apply the criteria and revise the lists of munitions and dual-use items that are controlled for export so that they:

- Distinguish the transactions that should be subject to stricter levels of control from those where more permissive levels of control are appropriate;
- Create a ''bright line'' between the two current control lists to clarify jurisdictional determinations and reduce Government and industry uncertainty about whether particular items are subject to the control of the State Department or the Commerce Department; and
- Are structurally aligned so that they potentially can be combined into a single list of controlled items.

BIS' current regulatory plan action is designed to implement the initial phase of the President's directive, which will add to BIS' export control purview, military related items that the President determines no longer warrant control under rules administered by the State Department.

As the agency responsible for leading the administration and enforcement of U.S. export controls on dual-use and other items warranting controls but not under the provisions of export control regulations administered by other departments, BIS plays a central role in the Administration's efforts to reform the export control system. Changing what we control, how we control it and how we enforce and manage our controls will help strengthen our national security by focusing our efforts on controlling the most critical products and technologies, and by enhancing the competitiveness of key U.S. manufacturing and technology sectors.

In FY 2011, BIS began implementing the ECRI with a final rule (76 FR 35275, June 16, 2011) implementing a license exception that authorizes exports, reexports and transfers to destinations that do not pose a national security concern, provided certain safeguards against diversion to other destinations are taken. Additionally, BIS began publishing proposed rules to add to its Commerce Control List (CCL), military items the President determined no longer warranted control by the Department of State. BIS continued to publish such proposed rules in FY 2012.

In FY 2013, BIS crossed an important milestone with publication of two final rules that began to put ECRI policies into place. An Initial Implementation rule (78 FR 22660, April 16, 2013) set in place the structure under which items the President determines no longer warrant control on the United States Munitions List are controlled on the Commerce Control List. It also revised license exceptions and regulatory definitions, including the definition of ''specially designed'' to make those exceptions and definitions clearer and to more closely align them with the International Traffic in Arms Regulations, and added to the CCL certain military aircraft, gas turbine engines and related items. A second final rule (78 FR 40892, July 8, 2012) followed on by adding to the CCL military vehicles, vessels of war submersible vessels, and auxiliary military equipment that President determined no longer warrant control on the USML.

BIS continued its ECRI efforts and by the end of fiscal year 2015 had published final rules adding to the CCL additional items that the President determined no longer warrant control under rules administered by the State Department in the following categories: Military training equipment; Explosives and energetic materials; Personal protective equipment; Launch vehicles and rockets; Spacecraft; and Military Electronics. During fiscal year 2015, BIS published proposed rules that would add to the CCL items related to: Fire control, range finder, optical and guidance and control equipment; Toxicological Agents; and Directed energy weapons. BIS expects to continue with publication of proposed and final rules to add items to the CCL as part it the ECRI in fiscal year 2016.

During fiscal year 2015, BIS initiated a process of evaluating the effectiveness of its ECRI efforts. The first action in this process was publication of a notice seeking public comments on the treatment of military aircraft and gas turbine engines, the first two categories of items added to the CCL by this initiative. The notice sought public input on whether the regulations are clear, do not inadvertently control items in normal commercial use as military items, account for technological developments, and properly implement the national security and foreign policy objectives of the reform effort. BIS anticipates that this will be the first in a series of such notices that will be published after the public has had time to develop experience with each regulation that added categories of items to the CCL.

Promoting International Regulatory Cooperation

As the President noted in Executive Order 13609, ''international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means of promoting'' public health, welfare, safety, and our environment as well as economic growth, innovation, competitiveness, and job creation. Accordingly, in E.O. 13609, the President requires each executive agency to include in its Regulatory Plan a summary of its international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

The Department of Commerce engages with numerous international bodies in various forums to promote the Department's priorities and foster regulations that do not ''impair the ability of American business to export and compete internationally.'' E.O. 13609(a). For example, the United States Patent and Trademark Office is working with the European Patent Office to develop a new classification system for both offices' use. The Bureau of Industry and Security, along with the Department of State and Department of Defense, engages with other countries in the Wassenaar Arrangement, through which the international community develops a common list of items that should be subject to export controls because they are conventional arms or items that have both military and civil uses. Other multilateral export control regimes include the Missile Technology Control Regime, the Nuclear Suppliers Group, and the Australia Group, which lists items controlled for chemical and biological weapon nonproliferation purposes. In addition, the National Oceanic and Atmospheric Administration works with other countries' regulatory bodies through regional fishery management organizations to develop fair and internationally-agreed-to fishery standards for the High Seas.

BIS is also engaged, in partnership with the Departments of State and Defense, in revising the regulatory framework for export control, through the President's Export Control Reform Initiative (ECRI). Through this effort, the United States Government is moving certain items currently controlled by the United States Military List (USML) to the Commerce Control List (CCL) in BIS' Export Administration Regulations. The objective of ECRI is to improve interoperability of U.S. military forces with those of allied countries, strengthen the U.S. industrial base by, among other things, reducing incentives for foreign manufacturers to design out and avoid U.S.-origin content and services, and allow export control officials to focus Government resources on transactions that pose greater concern. Once fully implemented, the new export control framework also will benefit companies in the United States seeking to export items through more flexible and less burdensome export controls.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the Department has identified several rulemakings as being associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. Accordingly, the Agency is reviewing these rules to determine whether action under E.O. 13563 is appropriate. Some of these entries on this list may be completed actions, which do not appear in the Regulatory Plan. However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov in the Completed Actions section for the Agency. These rulemakings can also be found on Regulations.gov.

Two rulemakings that are the product of the Agency's retrospective review are from BIS and NOAA. BIS' rule streamlining the support documentation requirements in the Export Administration Regulations, published March 13, 2015, was the first comprehensive revision of these requirements in twenty years. The rule reduced the paperwork burden on U.S. exporters without compromising regulatory objectives and clarified the remaining requirements to aid compliance.

NOAA continues to demonstrate great success in fishery sustainability managed under the Magnuson-Stevens Act, with near-record landings and revenue accomplished while rebuilding stocks across the country and preventing overfishing. Since the Magnuson-Stevens Act reauthorization in 2007, NMFS and the Regional Fishery Management Councils have implemented annual catch limits and accountability measures in every fishery management plan under National Standard One of the act. Informed by a robust public process that gained input through a public summit (Managing our Nation's Fisheries), visits to each region and Council and multiple public hearings, NMFS took the experience gained from 8 years of implementation of National Standard One and has proposed multiple substantive, technical changes to the National Standard One rule that will improve implementation and continue to support healthy fisheries.

For more information, the most recent E.O. 13563 progress report for the Department can be found here: *http://open.commerce.gov/news/2015/03/20/commerce-plan-retrospective-analysis-existing-rules-0*.

BILLING CODE 3510–12–P

DEPARTMENT OF DEFENSE

Statement of Regulatory Priorities

Background

The Department of Defense (DoD) is the largest Federal department consisting of three Military departments (Army, Navy, and Air Force), nine Unified Combatant Commands, 17 Defense Agencies, and ten DoD Field Activities. It has 1,304,807 military personnel and 866,923 civilians assigned as of June 30, 2015, and over 200 large and medium installations in the continental United States, U.S. territories, and foreign countries. The overall size, composition, and dispersion of DoD, coupled with an innovative regulatory program, presents a challenge to the management of the Defense regulatory efforts under Executive Order (E.O.) 12866 ''Regulatory Planning and Review'' of September 30, 1993.

Because of its diversified nature, DoD is affected by the regulations issued by regulatory agencies such as the Departments of Commerce, Energy, Health and Human Services, Housing

and Urban Development, Labor, State, Transportation, and the Environmental Protection Agency. In order to develop the best possible regulations that embody the principles and objectives embedded in E.O. 12866, there must be coordination of proposed regulations among the regulatory agencies and the affected DoD components. Coordinating the proposed regulations in advance throughout an organization as large as DoD is a straightforward, yet formidable, undertaking.

DoD issues regulations that have an effect on the public and can be significant as defined in E.O. 12866. In addition, some of DoD's regulations may affect other agencies. DoD, as an integral part of its program, not only receives coordinating actions from other agencies, but coordinates with the agencies that are affected by its regulations as well.

Overall Priorities

The Department needs to function at a reasonable cost, while ensuring that it does not impose ineffective and unnecessarily burdensome regulations on the public. The rulemaking process should be responsive, efficient, cost-effective, and both fair and perceived as fair. This is being done in DoD while reacting to the contradictory pressures of providing more services with fewer resources. The Department of Defense, as a matter of overall priority for its regulatory program, fully incorporates the provisions of the President's priorities and objectives under E.O. 12866.

International Regulatory Cooperation

As the President noted in E.O. 13609, ''international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means of promoting'' public health, welfare, safety, and our environment as well as economic growth, innovation, competitiveness, and job creation. Accordingly, in E.O. 13609, the President requires each executive agency to include in its Regulatory Plan a summary of its international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

The Department of Defense, along with the Departments of State and Commerce, engages with other countries in the Wassenaar Arrangement, Nuclear Suppliers Group, Australia Group, and Missile Technology Control Regime through which the international community develops a common list of items that should be subject to export controls. DoD has been a key participant in the Administration's Export Control Reform effort that resulted in a complete overhaul of the U.S. Munitions List and fundamental changes to the Commerce Control List. New controls have facilitated transfers of goods and technologies to allies and partners while helping prevent transfers to countries of national security and proliferation concern. DoD will continue to assess new and emerging technologies to ensure items that provide critical military and intelligence capabilities are properly controlled on international export control regime lists.

Retrospective Review of Existing Regulations

Pursuant to section 6 of E.O. 13563 ''Improving Regulation and Regulatory Review (January 18, 2011), the following Regulatory Identification Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. Several are of particular interest to small businesses. The entries on this list are completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov in the Completed Actions section for DoD. These rulemakings can also be found on Regulations.gov. We will continue to identify retrospective review regulations as they are published and report on the progress of the overall plan biannually. DoD's final agency plan and all updates to the plan can be found at: *http://www.regulations.gov/#!docketDetail;D=DOD-2011-OS-0036*

RIN	Rule title (*expected to significantly reduce burdens on small businesses)
0703–AA90	Guidelines for Archaeological Investigation Permits and Other Research on Sunken Military Craft and Terrestrial Military Craft Under the Jurisdiction of the Department of the Navy.
0703–AA92	Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General.
0710–AA66	Civil Monetary Penalty Inflation Adjustment Rule.
0710–AA60	Nationwide Permit Program Regulations.*
0750–AG47	Safeguarding Unclassified Controlled Technical Information (DFARS Case 2011–D039).
0750–AG62	Patents, Data, and Copyrights (DFARS Case 2010–D001).
0750–AH11	Only One Offer (DFARS Case 2011–D013).
0750–AH19	Accelerated Payments to Small Business (DFARS Case 2011–D008).
0750–AH54	Performance-Based Payments (DFARS Case 2011–D045).
0750–AH70	Defense Trade Cooperation Treaty With Australia and the United Kingdom (DFARS Case 2012–D034).
0750–AH86	Forward Pricing Rate Proposal Adequacy Checklist (DFARS Case 2012–D035).
0750–AH87	System for Award Management Name Changes, Phase 1 Implementation (DFARS Case 2012–D053).
0750–AH90	Clauses With Alternates—Transportation (DFARS Case 2012–D057).
0750–AH94	Clauses with Alternates—Foreign Acquisition (DFARS Case 2013–D005).
0750–AH95	Clauses with Alternates—Quality Assurance (DFARS Case 2013–D004).
0750–AI02	Clauses with Alternates—Contract Financing (DFARS Case 2013–D014).
0750–AI10	Clauses with Alternates—Research and Development Contracting (DFARS Case 2013–D026).
0750–AI19	Clauses with Alternates—Taxes (DFARS Case 2013–D025).
0750–AI27	Clauses with Alternates—Special Contracting Methods, Major System Acquisition, and Service Contracting (DFARS Case 2014–D004).
0750–AI03	Approval of Rental Waiver Requests (DFARS Case 2013–D006).
0750–AI07	Storage, Treatment, and Disposal of Toxic or Hazardous Materials—Statutory Update (DFARS Case 2013–D013).
0750–AI18	Photovoltaic Devices (DFARS Case 2014–D006).
0750–AI34	State Sponsors of Terrorism (DFARS Case 2014–D014).
0750–AI43	Inflation Adjustment of Acquisition-Related Thresholds.
0790–AI42	Personnel Security Program.
0790–AI54	Defense Support of Civilian Law Enforcement Agencies.
0790–AI77	Provision of Early Intervention and Special Education Services to Eligible DoD Dependents.
0790–AI86	Defense Logistics Agency Privacy Program.
0790–AI87	Defense Logistics Agency Freedom of Information Act Program.

RIN	Rule title (*expected to significantly reduce burdens on small businesses)
0790–AI88	Shelter for the Homeless.
0790–AJ03	DoD Privacy Program.
0790–AJ06	Voluntary Education Programs.
0790–AJ10	Enhancement of Protections on Consumer Credit for Members of the Armed Forces and Their Dependents.
	Pursuant to Executive Order 13563, DoD also removed 32 CFR part 513, ''Indebtedness of Military Personnel,'' because the part is obsolete and the governing policy is now codified at 32 CFR part 112.

Administration Priorities

1. Rulemakings that are expected to have high net benefits well in excess of costs.

The Department plans to finalize the following Defense Federal Acquisition Regulation Supplement (DFARS) rules:

• Requirements Relating to Supply Chain Risk (DFARS case 2012–D050). This final rule implements section 806 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011, as amended by section 806 of the NDAA for FY 2013. Section 806 requires contracting officers to evaluate an offerors supply chain risk when purchasing information technology related to national security systems. This rule enables agencies to exclude sources identified as having a supply chain risk from consideration for award of a covered contract, in order to minimize the potential risk for supplies and services purchased by DoD to maliciously degrade the integrity and operation of sensitive information technology systems. The cost impact will vary by solicitation or contract, depending on the level of potential harm to DoD systems that may be avoided by excluding a source with an unacceptable supply chain risk. However, DoD anticipates significant savings to taxpayers by reducing the risk of unsafe products entering the supply chain, which pose a serious threat to sensitive government information technology systems and put in jeopardy the safety of our military forces.

• Network Penetration Reporting and Contracting for Cloud Services (DFARS case 2013–D018). This final rule implements section 941 of the NDAA for FY 2013 and section 1632 of the NDAA for FY 2015. Section 941 requires cleared defense contractors to report penetrations of networks and information systems and allows DoD personnel access to equipment and information to assess the impact of reported penetrations. Section 1632 requires that a contractor designated as operationally critical must report each time a cyber-incident occurs on that contractor's network or information systems. Ultimately, DoD anticipates significant savings to taxpayers as a result of this rule, by improving information security for DoD information that resides in or transits through contractor systems and a cloud environment. Recent high-profile breaches of Federal information show the need to ensure that information security protections are clearly, effectively, and consistently addressed in contracts. This rule will help protect covered defense information or other Government data from compromise and protect against the loss of operationally critical support capabilities, which could directly impact national security.

• Detection and Avoidance of Counterfeit Electronic Parts—Further Implementation (DFARS case 2014–D005). This final rule further implements section 818 of the NDAA for FY 2012, as modified by section 817 of the NDAA for FY 2015. Section 818, as modified by section 817, addresses required sources of electronic parts for defense contractors and subcontractors. This rule requires DoD and its contractors and subcontractors, except in limited circumstances, to acquire electronic parts from trusted suppliers. The rule also requires DoD contractors and subcontractors that are not the original component manufacturer, to notify the Government if it is not possible to obtain an electronic part from a trusted supplier and to be responsible for the inspection, test, and authentication of such parts in accordance with existing industry standards. Such validation of new parts and new suppliers are steps that a prudent contractor would take notwithstanding this rule. The benefits associated with avoiding the acquisition of counterfeit electronic parts, which could directly impact national security, far outweigh the minimal cost impact associated with the notification requirement imposed by this rule.

2. Rulemakings of particular interest to small businesses.

The Department plans to propose the following DFARS rule—

• Temporary Extension of Test Program for Comprehensive Small Business Subcontracting Plans (DFARS case 2015–D013). This proposed rule implements section 821 of the NDAA for FY 2015 regarding the Test Program for Comprehensive Small Business Subcontracting Plans. The Test Program was established under section 834 of the NDAAs for FYs 1990 and 1992 to determine whether the negotiation and administration of comprehensive small business subcontracting plans would result in an increase of opportunities provided for small business concerns under DoD contracts. A comprehensive subcontracting plan (CSP) can be negotiated on a corporate, division, or sector level, rather than contract by contract. This rule proposes to amend the DFARS to: (1) Extend the Test Program through December 31, 2017; (2) require contracting officers to consider an offerors failure to make a good faith effort to comply with its CSP in past performance evaluations; and (3) inform program participants that a CSP will not be negotiated with a contractor that did not meet the small business goals negotiated in its prior CSP. This rule is of particular interest to small businesses because it holds prime contractors that are participating in the program accountable for the small business goals established in their CSP, resulting in increased business opportunities for small business subcontractors.

3. Rulemakings that streamline regulations, reduce unjustified burdens, and minimize burdens on small businesses.

The Department plans to finalize the following DFARS rule—

• Warranty Tracking of Serialized Items (DFARS case 2014–D026). This final rule requires the use of the electronic contract attachments to record and track warranty data and source of repair information for serialized items in the Product Data Reporting and Evaluation Program (PDREP) system. While contracting officers are encouraged to use the electronic attachments, currently, it is not mandatory in the DFARS. As a result, offerors may propose warranty terms in paper form, which are later manually input into the PDREP system when a contract is awarded. On the other hand, the electronic contract attachments are designed to easily upload to the PDREP system, which reduces: (1) The potential burden of manually entering warranty terms in multiple places, and (2) inaccuracies in

the data reported. By making use of these attachments mandatory, the rule provides DoD the ability to more effectively track warranty data and source of repair information for serialized items in a single repository of warranty terms.

4. Rules to be modified, streamlined, expanded, or repealed to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.

The Department plans to finalize the following DFARS rule—

• Clauses with Alternates—Small Business Programs (DFARS case 2015–D017). This final rule amends those contract clauses associated with small business programs that are prescribed for use with an ''alternate.'' A contracting officer selects a basic clause for inclusion in a contract based on the clause prescription contained in the DFARS. Some clause prescriptions require the use of ''alternate'' text within a basic clause depending on the circumstances of the acquisition. In lieu of listing the basic clause and any alternate text separately, this rule proposes to include in the regulation the full text of both the basic clause with the alternate clause. This new convention will facilitate selection of clauses with alternates using automated contract writing systems and ensure paragraphs from the basic clause that should be superseded by alternate text are not inadvertently included in the solicitation or contract. As a result, the terms of a solicitation and contract are clearly communicated to offerors and contractors who consider such terms during proposal development and contract performance.

5. Rulemakings that have a significant international impact.

The Department plans to propose the following DFARS rule—

• Contractors Performing Private Security Functions (DFARS case 2015–D021). During contingency operations, humanitarian or peace operations, or other military operations or exercises, DoD employs private security contractors (PSCs) to guard personnel, facilities, designated sites, or property of Federal agencies, the contractor or subcontractor, or a third party. Requirements for DoD contractors performing private security functions outside the United States are currently contained in the Federal Acquisition Regulation, and supplemented by the DFARS. This rule proposes to streamline the regulation by consolidating all terms and conditions for DoD PSCs in a single DFARS clause, which can be updated by DoD in a more efficient and timely manner. This rule will also provide an alternative to the high-level quality assurance standard required by the DFARS for PSCs. Contract quality requirements fall into four general categories, depending on the extent of quality assurance needed by the Government for the acquisition involved. In the case of PSC's, the high-level quality standard, ''Management System for Quality of Private Security Company Operations—Requirements with Guidance, ANSI/ASIS PSC.1–2012'' is mandatory. The alternative proposed by this rule for PSCs (ISO 18788: Management System Private Security Operations—Requirements with Guidance) is substantially the same as ANSI/ASIS PSC.1–2012 and is more widely accepted on an international basis.

Specific DoD Priorities: For this regulatory plan, there are five specific DoD priorities, all of which reflect the established regulatory principles. DoD has focused its regulatory resources on the most serious health and safety risks. Perhaps most significant is that each of the priorities described below promulgates regulations to offset the resource impacts of Federal decisions on the public or to improve the quality of public life, such as those regulations concerning acquisition, health affairs, transition assistance, and cyber security.

1. Acquisition, Technology, and Logistics/Defense Procurement and Acquisition Policy (DPAP), Department of Defense

DPAP continuously reviews the DFARS and continues to lead Government efforts to—

• Improve the presentation, clarity, and streamlining of the regulation by: (1) Implementing the new convention to construct clauses with alternates in a manner whereby the alternate clauses are included in full-text; (2) removing guidance that does not have a significant effect beyond the internal operating procedure of the Department or impose a significant cost or administrative impact on contractors or offerors, which is more appropriately addressed in the DFARS Procedures, Guidance, and Information; and (3) removing obsolete reporting or other requirements imposed on contractors. Such improvements ensure that the regulation contracting officers, contractors, and offerors have a clear understanding of the rules for doing business with the Department of Defense.

• Obtain early engagement with industry on procurement topics of high public interest by: (1) Utilizing the DPAP Defense Acquisition Regulation System Web site to obtain early public feedback on newly enacted legislation that impacts the Department's acquisition regulations, prior to initiating rulemaking to draft the implementing rules; and (2) holding public meetings to solicit industry feedback on proposed rulemakings.

• Employ methods to facilitate and improve efficiency of the contracting process such as: (1) Requiring the use of electronic forms; and (2) establishing that electronic contract documents contained in Electronic Data Access system are official contract documents. Use of electronic means to accomplish the contracting process: (1) Reduces the burden on both industry and the Department associated with manual and duplicative data entry, and (2) removes limitations on access to information.

2. Health Affairs, Department of Defense

The Department of Defense is able to meet its dual mission of wartime readiness and peacetime health care for those entitled to DoD medical care and benefits by operating an extensive network of military medical treatment facilities supplemented by services furnished by civilian health care providers and facilities through the TRICARE program as administered under DoD contracts. TRICARE is a major health care program designed to improve the management and integration of DoD's health care delivery system.

The Department of Defense's Military Health System (MHS) continues to meet the challenge of providing the world's finest combat medicine and aeromedical evacuation, while supporting peacetime health care for those entitled to DoD medical care and benefits at home and abroad. The MHS brings together the worldwide health care resources of the Uniformed Services (often referred to as ''direct care,'' usually within military treatment facilities) and supplements this capability with services furnished by network and non-network civilian health care professionals, institutions, pharmacies, and suppliers, through the TRICARE program as administered under DoD contracts, to provide access to high quality health care services while maintaining the capability to support military operations. The TRICARE program serves 9.5 million Active Duty Service Members, National Guard and Reserve members, retirees, their families, survivors, and certain former spouses worldwide. TRICARE continues to offer an increasingly integrated and comprehensive health care plan, refining and enhancing both benefits and programs in a manner consistent with the law, industry

standard of care, and best practices, to meet the changing needs of its beneficiaries. The program's goal is to increase access to health care services, improve health care quality, and control health care costs.

The Defense Health Agency plans to publish the following rule—

• Proposed Rule: TRICARE Mental Health and Substance Abuse. This rule proposes revisions to the TRICARE regulation to reduce administrative barriers to access to mental health benefit coverage and to improve access to substance use disorder (SUD) treatment for TRICARE beneficiaries, consistent with earlier Department of Defense and Institute of Medicine recommendations, current standards of practice in mental health and addition medicine, and governing laws. This proposed rule has four main objectives: (1) To eliminate of quantitative and qualitative treatment limitations on SUD and mental health benefit coverage and align beneficiary cost-sharing for mental health and SUD benefits with those applicable to medical/surgical benefits; (2) to expand covered mental health and SUD treatment under TRICARE, to include coverage of intensive outpatient programs and treatment of opioid dependence; (3) to streamline the requirements for institutional providers to become TRICARE authorized providers; and (4) to develop TRICARE reimbursement methodologies for newly recognized mental health and SUD intensive outpatient programs and opioid treatment programs. DoD anticipates publishing the proposed rule in the second quarter of FY 2016.

3. Personnel and Readiness, Department of Defense

The Department of Defense plans to publish rules regarding transition assistance for military personnel and sexual assault prevention—

• Interim Final Rule: Transition Assistance for Military Personnel (TAP). This rule establishes policy, assigns responsibilities, and prescribes procedures for administration of the DoD Transition Assistance Program (TAP). The goal of TAP is to prepare all eligible members of the Military Services for a transition to civilian life, including preparing them to meet Career Readiness Standards (CRS). The TAP provides information and training to ensure Service members leaving Active Duty and eligible Reserve Component Service members being released from active duty are prepared for their next step in life whether pursuing additional education, finding a job in the public or private sector, starting their own business or other form of self-employment, or returning to school or an existing job. Service members receive training to meet CRS through the Transition GPS (Goals, Plans, Success) curricula, including a core curricula and individual tracks focused on Accessing Higher Education, Career Technical Training, and Entrepreneurship. All Service members who are separating, retiring, or being released from a period of 180 days or more of continuous Active Duty must complete all mandatory requirements of the Veterans Opportunity to Work (VOW) Act, which includes pre-separation counseling to develop an Individual Transition Plan (ITP) and identify their career planning needs; attend the Department of Veterans Affairs (VA) Benefits Briefings I and II to understand what VA benefits the Service member earned, how to apply for them, and leverage them for a positive economic outcome; and attend the Department of Labor Employment Workshop (DOLEW), which focuses on the mechanics of resume writing, networking, job search skills, interview skills, and labor market research. DoD anticipates publishing the interim final rule in the first quarter of FY 2016.

• Interim Final Rule; Amendment: Sexual Assault Prevention and Response (SAPR) Program. The purpose of this rule is to implement DoD policy and assign responsibilities for the SAPR Program on prevention, response, and oversight of sexual assault. The goal is for DoD to establish a culture free of sexual assault through an environment of prevention, education and training, response capability, victim support, reporting procedures, and appropriate accountability that enhances the safety and well-being of all persons. DoD anticipates publishing the interim final rule in the second quarter of FY 2016.

• Interim Final Rule; Amendment: Sexual Assault Prevention and Response (SAPR) Program Procedures. This rule establishes policy, assigns responsibilities, and provides guidance and procedures for the SAPR Program. It establishes processes and procedures for the Sexual Assault Forensic Examination Kit, the multidisciplinary Case Management Group, and guidance on how to handle sexual assault, SAPR minimum program standards, SAPR training requirements, and SAPR requirements for the DoD Annual Report on Sexual Assault in the Military. The DoD goal is a culture free of sexual assault through an environment of prevention, education and training, response capability, victim support, reporting procedures, and appropriate accountability that enhances the safety and well-being of all persons. DoD anticipates publishing the interim final rule in the second quarter of FY 2016.

4. Chief Information Officer, Department of Defense

The Department of Defense plans to publish the final rule for the Defense Industrial Base (DIB) Cybersecurity (CS) Activities that implements statutory requirements for mandatory cyber incident reporting while maintaining the voluntary cyber threat information sharing program.

• Interim Final Rule: Defense Industrial Base (DIB) Cyber Security (CS) Activities. DoD revised its DoD–DIB Cybersecurity (CS) Activities regulation to mandate reporting of cyber incidents that result in an actual or potentially adverse effect on a covered contractor information system or covered defense information residing therein, or on a contractor's ability to provide operationally critical support, and modify eligibility criteria to permit greater participation in the voluntary DoD-Defense Industrial Base (DIB) Cybersecurity (CS) information sharing program. DoD anticipates publishing the final rule in the fourth quarter of FY 2016.

DOD—OFFICE OF THE SECRETARY (OS)

Proposed Rule Stage

15. • Sexual Assault Prevention and Response (SAPR) Program

Priority: Other Significant.

Legal Authority: 10 U.S.C. 113; Pub. L. 109–364; Pub. L. 109–163; Pub. L. 108–375; Pub. L. 106–65; Pub. L. 110–417; Pub. L. 111–84; Pub. L. 112–81; Pub. L. 113–66; Pub. L. 113–291

CFR Citation: 32 CFR 103.

Legal Deadline: None.

Abstract: This part implements Department of Defense (DoD) policy and assigns responsibilities for the Sexual Assault Prevention and Response (SAPR) Program on prevention, response, and oversight to sexual assault. It is DoD policy to establish a culture free of sexual assault through an environment of prevention, education and training, response capability, victim support, reporting procedures, and appropriate accountability that enhances the safety and wellbeing of all persons covered by this regulation.

Statement of Need: The purpose of this rule is to implement DoD policy and assign responsibilities for the Sexual Assault Prevention and Response (SAPR) Program on prevention, response, and oversight to sexual assault.

Summary of Legal Basis: Establishes SAPR minimum program standards, SAPR training requirements, and SAPR requirements for the DoD Annual Report on Sexual Assault in the Military consistent with title 10, United States Code, the DoD Task Force Report on Care for Victims of Sexual Assault and pursuant to DoD Directive (DoDD) 5124.02, DoDD 6495.01, and Public Laws 106–65, 108–375, 109–163, 109–364, 110–417, 111–84, 111–383, 112–81, 112–239, 113–66, and 113–291.

Alternatives: The Department of Defense will lack comprehensive SAPR program policy guidance on the prevention and response to sexual assaults involving members of the U.S. Armed Forces. The DoD will not have guidance to establish a culture free of sexual assault through an environment of prevention, education and training, response capability, victim support, reporting procedures, and appropriate accountability that enhances the safety and well being of all persons covered by this part (32 CFR 103) and 32 CFR 105. DoD will lack the policy guidance to promulgate requirements mandated in the National Defense Authorization Acts.

Anticipated Cost and Benefits: The Fiscal Year 2014 Operation and Maintenance funding for DoD SAPRO was $26.798 million with an additional Congressional allocation of $25.3 million designated for the Special Victims' Counsel program and the Special Victims' Investigation and Prosecution capability that was reprogrammed to the Military Services and the National Guard Bureau. Additionally, each of the Military Services establishes its own SAPR budget for the programmatic costs arising from the implementation of the training, prevention, reporting, response, and oversight requirements established by this rule.

The anticipated benefits associated with this rule include:

(1) A complete and up-to-date SAPR Policy consisting of this part and 32 CFR 105, to include comprehensive SAPR policy guidance on the prevention and response to sexual assaults involving members of the U.S. Armed Forces.

(2) Guidance and policy with which the DoD may establish a culture free of sexual assault, through an environment of prevention, education and training, response capability, victim support, reporting procedures, and appropriate accountability that enhances the safety and well being of all persons covered by this part and 32 CFR 105.

(3) Requirement to provide care that is gender-responsive, culturally competent, and recovery-oriented. Sexual assault patients shall be given priority, and treated as emergency cases. Emergency care shall consist of emergency healthcare and the offer of a Sexual Assault Forensic Examination (SAFE). The victim shall be advised that even if a SAFE is declined the victim is encouraged (but not mandated) to receive medical care, psychological care, and victim advocacy.

(4) Standardized SAPR requirements, terminology, guidelines, protocols, and guidelines for training materials shall focus on awareness, prevention, and response at all levels, as appropriate.

(5) An immediate, trained sexual assault response capability shall be available for each report of sexual assault in all locations, including in deployed locations.

(6) Victims of sexual assault shall be protected from coercion, retaliation, and reprisal.

Risks: The rule intends to enable military readiness by establishing a culture free of sexual assault. This rule aims to mitigate this risk to mission readiness.

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: DoD Directive 6495.01, ''Sexual Assault Prevention and Response (SAPR) Program''.

Agency Contact: Diana Rangoussis, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301, *Phone:* 703 696–9422.

RIN: 0790–AJ40

DOD—OS

Final Rule Stage

16. Sexual Assault Prevention and Response Program Procedures

Priority: Other Significant.

Legal Authority: 10 U.S.C. ch 47; Pub. L. 106–65; Pub. L. 108–375; Pub. L. 109–163; Pub. L. 109–364; Pub. L. 110–417; Pub. L. 111–84; Pub. L. 111–383; Pub. L. 112–81; Pub. L. 112–239; Pub. L. 113–66; Pub. L. 113–291

CFR Citation: 32 CFR 105.

Legal Deadline: None.

Abstract: The procedures discussed establish a culture of prevention, response, and accountability that enhances the safety and well-being of all DoD members.

Statement of Need: The rule establishes the processes and procedures for the Sexual Assault Forensic Examination (SAFE) kit; the multidisciplinary Case Management Group to include guidance for the group on how to handle sexual assault; SAPR minimum program standards; SAPR training requirements; and SAPR requirements for the DoD Annual Report on Sexual Assault in the Military.

Summary of Legal Basis: In February of 2004, the former Secretary of Defense Donald H. Rumsfeld directed Dr. David S. C. Chu, the former Under Secretary of Defense for Personnel and Readiness, to review the DoD process for treatment and care of victims of sexual assault in the Military Services. One of the recommendations emphasized the need to establish a single point of accountability for sexual assault policy within the Department. This led to the establishment of the Joint Task Force for Sexual Assault Prevention and Response, and the naming of then Brigadier General K.C. McClain as its commander in October 2004. The Task Force focused its initial efforts on developing a new DoD-wide sexual assault policy that incorporated recommendations set forth in the Task Force Report on Care for Victims of Sexual Assault as well as in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108–375). This act directed the Department to have a sexual assault policy in place by January 1, 2005. Subsequent National Defense Authorization Acts provided additional requirements for the Department of Defense sexual assault prevention and response program in: Section 113 of title 10, United States Code; and Public Laws 109–364, 109–163, 108–375, 106–65, 110–417, 111–84, 112–81, 112–239, 113–66, and 113–291.

Alternatives: The Department of Defense will lack comprehensive Sexual Assault Prevention and Response (SAPR) procedures to implement the DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program, which is the DoD policy on prevention and response to sexual assaults involving members of the U.S. Armed Forces. The DoD will not have guidance to establish a culture free of sexual assault through an environment of prevention, education and training, response capability, victim support, reporting procedures, and appropriate accountability that enhances the safety and well-being of all persons covered by this part and 32 CFR 103. DoD will lack the implementing procedures to

promulgate requirements mandated in the National Defense Authorization Acts.

Anticipated Cost and Benefits: The preliminary estimate of the anticipated cost associated with this rule for the current fiscal year is approximately $15.010 million. Additionally, each of the Military Services establishes its own SAPR budget for the programmatic costs arising from the implementation of the training, prevention, reporting, response, and oversight requirements established by this rule.

The anticipated benefits associated with this rule include:

(1) A complete SAPR Policy consisting of this part and 32 CFR 103, to include comprehensive SAPR procedures to implement the DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program, which is the DoD policy on prevention and response to sexual assaults involving members of the U.S. Armed Forces.

(2) Guidance and procedures with which the DoD may establish a culture free of sexual assault, through an environment of prevention, education and training, response capability, victim support, reporting procedures, and appropriate accountability that enhances the safety and well-being of all persons covered by this part (32 CFR 105) and 32 CFR 103.

(3) Requirement that medical care and SAPR services are gender-responsive, culturally competent, and recovery-oriented. A 24 hour, 7 day per week sexual assault response capability for all locations, including deployed areas, shall be established for persons covered in this part. An immediate, trained sexual assault response capability shall be available for each report of sexual assault in all locations, including in deployed locations. Sexual assault victims shall be given priority, and treated as emergency cases. Emergency care shall consist of emergency medical care and the offer of a SAFE. The victim shall be advised that even if a SAFE is declined the victim shall be encouraged (but not mandated) to receive medical care, psychological care, and victim advocacy.

(4) Command sexual assault awareness and prevention programs and DoD law enforcement and criminal justice procedures that enable persons to be held appropriately accountable for their actions, shall be supported by all commanders.

(5) Standardized SAPR requirements, terminology, guidelines, protocols, and guidelines for training materials shall focus on awareness, prevention, and response at all levels, as appropriate.

(6) Sexual Assault Response Coordinators (SARC), SAPR Victim Advocates (VA), and other responders will assist sexual assault victims regardless of Service affiliation.

(7) Service member and adult military dependent victims of sexual assault shall receive timely access to comprehensive medical and psychological treatment, including emergency care treatment and services, as described in this part and 32 CFR 103.

(8) Military Service members who file Unrestricted and Restricted Reports of sexual assault shall be protected from reprisal, or threat of reprisal, for filing a report.

(9) Service members and military dependents 18 years and older who have been sexually assaulted have two reporting options: Unrestricted or Restricted Reporting. Unrestricted Reporting of sexual assault is favored by the DoD. However, Unrestricted Reporting may represent a barrier for victims to access services, when the victim desires no command or DoD law enforcement involvement. Consequently, the DoD recognizes a fundamental need to provide a confidential disclosure vehicle via the Restricted Reporting option. Regardless of whether the victim elects Restricted or Unrestricted Reporting, confidentiality of medical information shall be maintained in accordance with DoD 6025.18–R.

(10) Service members who are on active duty but were victims of sexual assault prior to enlistment or commissioning are eligible to receive SAPR services under either reporting option. The DoD shall provide support to an active duty Military Service member regardless of when or where the sexual assault took place.

(11) Requirement to establish a DoD-wide certification program with a national accreditor to ensure all sexual assault victims are offered the assistance of a SARC or SAPR VA who has obtained this certification.

(12) Implementing training standards that cover general SAPR training for Service members, and contain specific standards for: Accessions, annual, professional military education and leadership development training, pre- and post-deployment, pre-command, General and Field Officers and SES, military recruiters, civilians who supervise military, and responders trainings.

(13) Requires Military Departments to establish procedures for supporting the DoD Safe Helpline in accordance with Guidelines for the DoD Safe Helpline for the referral database provide timely response to victim feedback, publicize the DoD Safe Helpline to SARCs and Service members and at military confinement facilities.

(14) Added additional responsibilities for the DoD SAPRO Director (develop metrics for measuring effectiveness, act as liaison between DoD and other agencies with regard to SAPR, oversee development of strategic program guidance and joint planning objectives, quarterly include Military Service Academies as a SAPR IPT standard agenda item, semi-annually meet with the Superintendents of the Military Service Academies, and develop and administer standardized and voluntary surveys for survivors of sexual assault to comply with section 1726 of the National Defense Authorization Act For Fiscal Year 2014, Public Law 113–66.

(15) Updates text throughout the issuance to reflect Defense Sexual Assault Incident Database (DSAID) interface with MCIO case management systems (rather than Military Service sexual assault case management systems) and procedures for entering final case disposition information into the database.

Risks: The rule intends to enable military readiness by establishing a culture free of sexual assault. This rule aims to mitigate this risk to mission readiness.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/11/13	78 FR 21715
Interim Final Rule Effective.	04/11/13	
Interim Final Rule Comment Period End.	06/10/13	
Interim Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: DoD Instruction 6495.02, ''Sexual Assault Prevention and Response (SAPR) Program Procedures''.

Agency Contact: Teresa Scalzo, Department of Defense, Office of the Secretary, 4000 Defense Pentagon, Washington, DC 20301–1155, *Phone:* 703 696–8977.

RIN: 0790–AI36

DOD—OS

17. Transition Assistance Program (TAP) for Military Personnel

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 10 U.S.C. 1141; 10 U.S.C. 1142

CFR Citation: 32 CFR 88.

Legal Deadline: None.

Abstract: The DoD is committed to providing military personnel from across the Services access to the TAP. The TAP prepares all eligible members of the Military Services for a transition to civilian life; enables eligible Service members to meet the CRS as required by this rule; and is the overarching program that provides transition assistance, information, training, and services to eligible transitioning Service members to prepare them to be career ready when they transition back to civilian life. Spouses of eligible Service members are entitled to the DOLEW, job placement counseling, DoD/VA-administered survivor information, financial planning assistance, transition plan assistance, VA-administered home loan services, housing assistance benefits information, and counseling on responsible borrowing practices.

Dependents of eligible Service members are entitled to career change counseling and information on suicide prevention.

These revisions will: Institutionalize the implementation of the VOW Act of 2011; require mandatory participation in the Department of Labor (DOL) Employment Workshop (EW); implement the Transition GPS (Goals, Plans, Success) curriculum; require development of an Individual Transition Plan (ITP); enhance tracking of attendance at TAP events; implement of mandatory Career Readiness Standards (CRS) for separating Service members; and, incorporate a CAPSTONE event to document transition readiness and reinforce Commanding Officer accountability and support for the needs of individual Service members. This rule improves the process of conducting transition services for eligible separating Service members across the Military Services and establishes the data collection foundation to build short-, medium-, and long-term program outcomes.

Statement of Need: In August 2011, President Obama announced his comprehensive plan to ensure America's Post 9/11 Veterans have the support they need and deserve when they leave the military, look for a job, and enter the civilian workforce. A key part of the President's plan was his call for a career-ready military. Specifically, he directed DoD and Department of Veterans Affairs (VA) to work closely with other federal agencies and the President's economic and domestic policy teams to lead a Veterans Employment Initiative Task Force to develop a new training and services delivery model to help strengthen the transition readiness of Service members from military to civilian life. Shortly thereafter, Congress passed and the President signed the VOW to Hire Heroes Act of 2011, Public Law 112–56, sections 201–265, 125 Stat. 715 (VOW Act), which included steps to improve the existing TAP for Service members. Among other things, the VOW Act made participation in several components of TAP mandatory for all Service members (except in certain limited circumstances).

The task force delivered its initial recommendations to the President in December 2011 which required implementation of procedures to document Service member participation, and to demonstrate Military Service compliance with 10 U.S.C. chapter 58 requirements. The Veterans Opportunity to Work (VOW) Act of 2011 mandated transitioning Service member's participation in receiving counseling and training on VA Benefits. VA developed VA Benefits I and II Briefings to meet this mandate. The VOW Act also mandated transitioning Service members to received counseling and informed of services regarding employment assistance. The Department of Labor revised its curriculum to meet this mandate with the Department of Labor Employment Workshop. The VOW requirements have been codified in 10 U.S.C. chapter 58 and attendance to all Transition GPS curricula is now documented.

The redesigned TAP was developed around four core recommendations:

Adopt standards of career readiness for transitioning Service members: Service members should leave the military having met clearly defined standards of career readiness.

Implement a revamped TAP curriculum: Service members should be provided with a set of value-added, individually tailored training programs and services to equip them with the set of tools they need to pursue their post-military goals successfully.

Implement a CAPSTONE: Service members should be afforded the opportunity, shortly before they depart the military, to review and verify that they have met the CRS and received the services they desire and to be steered to the resources and benefits available to them as Veterans.

Implement a Military Life Cycle (MLC) transition model: Transition preparation for Service members should occur over the entire span of their military careers not just in the last few months of their military service.

Implementation of these recommendations transforms a Service member' experience during separating, retiring, demobilizing, or deactivating to make the most informed career decisions by equipping them with the tools they need to make a successful transition.

The rule discusses a redesigned program which implements, the transition-related provisions of the VOW Act and recommendations of the Task Force to offer a tailored curriculum providing Service members with useful and quality instruction with connections to the benefits and resources available to them as Veterans. At the heart of the redesign is the new set of CRS. Just as Service members must meet military mission readiness standards while on Active Duty, Service members will meet CRS before their transition to civilian life.

Spouses of eligible Service members are entitled to the DOLEW, job placement counseling, DoD/VA-administered survivor information, financial planning assistance, transition plan assistance, VA-administered home loan services, housing assistance benefits information, and counseling on responsible borrowing practices. Dependents of eligible service members are entitled to career change counseling and information on suicide prevention.

Summary of Legal Basis: This regulation is proposed under the authority of title 10, U.S.C., chapter 58. Title 10, U.S.C., section 1141 defines involuntary separation; section 1142 provides the time period the Secretary concerned shall provide for individual pre-separation counseling for each member of the armed forces whose discharge or release from active duty is anticipated as of a specific date; section 1143 requires the Secretary of Defense to provide to members of the armed forces a certification or verification of any job skills and experience acquired while on active duty, that may have application to employment in the civilian sector; section 1143a. requires the Secretary of Defense to encourage members and former members of the armed forces to enter into public and community service jobs; section 1144 requires the Secretary of Labor, in conjunction with the Secretaries of Defense, Homeland Security, and Veterans Affairs to establish and maintain a program to furnish counseling, assistance in identifying employment and training opportunities, help in obtaining such employment and training, and other related information and services to members of the armed forces and the spouses of such members who are transitioning; section 1145

prescribes transitional health benefits; section 1146 describes commissary and exchange benefits for members involuntarily separated from active duty; section 1147 prescribes guidance that may permit individuals who are involuntarily separated to continue, not more than 180 days after the date of separation, to reside (along with other members of the individual's household) in military housing provided or leased by the DoD; section 1148 addresses relocation assistance for personnel overseas; section 1149 provides guidance regarding excess leave and permissive temporary duty; section 1150 prescribes guidance for affiliation with Guard and Reserve units; section 1151 prescribes guidance for retention of assistive technology and services provided before separation; section 1152 allows the Secretary of Defense to enter into an agreement with the Attorney General to establish or participate in a program to assist eligible members and former members to obtain employment with law enforcement agencies; section 1153 allows the Secretary of Defense to provide assistance to separated Service members to obtain employment with health care providers; and section 1154 allows the Secretary of Defense to provide assistance to eligible Service members and former members to obtain employment as teachers (Troops-to-Teachers Program).

Alternatives: The DoD considered several alternatives:

In President Obama's speech in August of 2011 at the Washington Navy Yard, he used the term ''Reverse Boot Camp'' to demonstrate his vision for a redesigned TAP to increase the preparedness of Service members to successfully transition from military service to civilian communities. The President's use of language initiated an interagency discussion on an approach to mirror the Military Services' basic or initial entry training programs. This approach would require the Military Services to devote approximately 9 to 13 weeks, depending on curriculum development, outcome measures, assessments and individual military readiness and cultural differences, to afford Service members the opportunity to use all aspects of a rigorous transition preparation program.

While no cost estimates were conducted, this approach was deemed both expensive and would jeopardize DoD's ability to maintain mission readiness. Approximately 200,000–250,000 Service members leave DOD each year. To concentrate on transition preparation during the last 9 to 13 weeks of an individual's military career would not be workable since mission readiness could not absorb the impact of the void. Additionally, there would be an increased expense required to activate or mobilize Reserve Component or National Guard personnel for the 9 to 13 weeks prior to transition. Finally, logistical challenges could result from Service members dealing with TAP requirements while deployed. For example, units scheduled to mobilize would be delayed because a returning unit could occupy facilities (such as billeting, classrooms, and training areas) that the deploying units needed to train and prepare for mobilization.

A second alternative considered was establishment of regional residential transition centers staffed by personnel from all Military Services, the Departments of VA, Labor (DOL), and Homeland Security (U.S. Coast Guard), the U.S. Small Business Administration (SBA), and the OPM. Transitioning Service members would be sent on temporary duty for a period of four to six weeks, 12 months prior to their separation or retirement date to receive transition services. Eligible Reserve Component Service members would be assigned to the centers as a continuation of their demobilization out-processing. The potential costs to build or modify existing facilities, or rent facilities that would meet regional residential transition center requirements, as well as costs for Service member travel to and from the regional centers, reduced the viability of this approach.

A third, less expensive option would have left the existing TAP program intact without increasing counselor and curriculum facilitation resources. This option would not have accountability systems and procedures to demonstrate compliance with the VOW Act that mandates pre-separation counseling, attendance at the DOL's three day Employment Workshop (DOLEW), and attendance at two VA briefings. Due to increasing Veteran unemployment and homeless percentages at the time of the decision, and the rebalancing of the military force, this cost neutral approach would not have the outcome based capability intended to develop career ready skills in transitioning Service members. This option, which would not have met the requirements of the law, would cost the Military Services approximately $70M versus the fiscal year 2013 (FY13) $122M for the implementation of the re-designed TAP.

Anticipated Cost and Benefits: The VOW Act mandated pre-separation counseling, VA Benefits Briefings I and II, and the DOLEW and these components were implemented in November 2012. On the same day the VOW Act requirements became mandatory, DoD published a policy to make CRS and Commanding Officer verification that Service members are meeting CRS, mandatory. Vow Act compliance and CRS must be met by all Service members after they have served 180 days in active duty status. Service members must attend Transition GPS (Goals, Plans, Success) curriculum modules that build career readiness if they cannot meet the CRS on their own. In cases where Service members receive a punitive or Under Other Than Honorable Conditions discharge, Commanding Officers have the discretion of determining participation in the other than mandatory Transition GPS curricula. By policy, all Service members who do not meet the CRS will receive a warm handover to DOL, VA, or other resources targeted at improving career readiness in the area where the standard was not met.

The entire Transition GPS curriculum is now available online through Joint Knowledge Online (JKO); however, Service members must attend pre-separation counseling, VA briefings, and the DOLEW in person. All other curriculum can be accessed through the JKO virtual platform. The virtual curriculum (VC) was launched at the beginning of FY14. DoD expected a cost savings in FY14 due to use of the VC but the cost avoidance cannot be calculated as VC utilization is appropriate on a Service member-by-Service member basis.

Further, resource requirements for DoD become more predictable when transition assistance is provided at pre-determined points throughout the MLC TAP model, mitigating the impacts of surge periods when large numbers of Service members separate, demobilize or deactivate.

The FY13 cost to DoD to implement the TAP redesign was $122M and in FY14 DoD costs were $85M. The difference is attributed to both implementation costs of the updated program in FY13, and to efficiencies discovered as implementation was completed throughout FY14. These costs represent only the portion of the interagency program that is paid by the DoD. The cost covers Defense civilian and contracted staff (FTEs) salaries and benefits at 206 world-wide locations. Civilian and contract labor account for approximately 88% of total program costs in both fiscal years. The remaining costs include equipment, computers (purchase, maintenance and operations), Information Technology (IT) and architecture, data collection and sharing, Web site development, performance evaluation and assessments, curriculum development

and modifications, materials (audio-visual, CDs, eNotebooks, handouts, interactive brick and mortar classroom sessions, virtual curriculum, etc.), facilitation training, research, studies, and surveys. Within DoD, the re-designed TAP capitalized upon existing resources, *e.g.,* use of certified financial planners housed in the Military Services' family centers to conduct financial planning or military education counselors used to conduct the Accessing Higher Education (AHE) track. Other efficiencies include reuse or upgrades to current facilities and classrooms used to deliver legacy TAP. Implementation costs in FY13 included equipping classrooms to allow for individual internet access and train-the-trainer workshops to deliver the DoD portions of the Transition GPS curriculum. Examples of efficiencies discovered in FY14 include providing train-the-trainer courses through webinars and savings associated with Service members using the VC.

The DoD provides military spouses the statutory requirements of TAP as prescribed in Title 10, United States Code. Other elements of TAP, prescribed by DoD policy, are available to spouses if resources and space permits. Military spouses can attend the brick and mortar Transition GPS curriculum at no cost on a nearby military installation. They can also take the entire Transition GPS curriculum online, virtually, at any time, from anywhere with a computer or laptop for free.

Many of our Veteran and Military Service Organizations, employers and local communities provide transition support services to local installations. Installation Commanders are strongly encouraged to permit access to Veteran Service Organizations (VSOs) and Military Service Organizations (MSOs) to provide transition assistance-related events and activities in the United States and abroad at no cost to the government. Two memos signed by Secretary of Defense Chuck Hagel reinforce such access. The memos are effective within 60 days of the December 23 signing, and will remain in effect until the changes are codified within DoD. Access to installations is for the purpose of assisting Service members with their post-military disability process and transition resources and services. The costs to VSOs and MSOs would be any costs associated with salaries for paid VSO and MSO personnel. These organizations will pay for any costs associated with travel to and from military installations, as well as any materials they provide to separating Service members and their spouses. Costs to employers and community organizations supporting transition-related events and activities would be similar to those for VSOs and MSOs.

The DoD is dependent upon other federal agencies to deliver the redesigned TAP to transitioning Service members. The VA, DOL, SBA, Department of Education (ED), and Office of Personnel Management (OPM) have proven to be invaluable partners in supporting the Transition GPS curriculum development and delivery, and in providing follow-on services required by a warm handover due to unmet CRS. These interagency partners strongly support TAP governance and performance measurement.

Although DoD cannot estimate the costs for its interagency partners, TAP provides the Service members with resources through the contributions of its interagency partners that should be identified as factors of total program cost. Transition assistance is a comprehensive interagency effort with contributions from every partner leveraged to provide support to the All-Volunteer Force as the Service members prepare to become Veterans. The interagency partners deliver the Transition GPS curriculum and one-on-one services across 206 military installations across the globe. DoD can only speak to TAP costs within the Defense fence line, but can discuss the value provided by interagency partners.

The DOL provides skilled facilitators that deliver the DOLEW, a mandatory element of the Transition GPS standardized curriculum. DOL's American Jobs Centers (AJCs) provide integral employment support to transitioning Service members and transitioned Veterans. The AJCs are identified as resources for the Service members during TAP which may increase visits from the informed Service members. The AJCs also support warm handovers of Service members who have identified employment as a transition goal on their ITP but do not meet the CRS for employment. DOL also provides input to the TAP interagency working groups and governance boards, and is involved in the data collection, performance measurement, and standardization efforts, all of which represent costs to the organization.

The SBA provides the Transition GPS entrepreneurship track, Boots to Business, to educate transitioning Service members interested in starting their own business about the challenges small businesses face. Upon completing the Boots to Business track, the SBA allows Service members to access the SBA on-line entrepreneurship course, free of charge. The SBA then provides Service members the opportunity to be matched to a successful business person as a mentor. This is a tremendous commitment that must create additional costs for the SBA. The SBA offices continue to provide support to Veterans as they pursue business plan development or start up loans; provision of this support is in their charter, but the increased awareness provided through the Transition GPS curriculum is likely to increase the patronage and represent a cost to SBA. The SBA also provides input to the TAP interagency working groups and governance boards. The SBA is engaged with data collection and sharing efforts to determine program outcomes.

VA provides facilitators who deliver the mandatory VA Benefits Briefings I and II as part of the Transition GPS standardized curriculum required to meet VOW Act requirements. The VA facilitators also deliver the two-day track for Career Technical Training that provides instruction to Service members to discern the best choices of career technical training institutions, financial aid, best use of the Post 9/11 GI Bill, etc. Benefits counselors deliver one-on-one benefits counseling on installations, as space permits. As a primary resource for Veterans, VA ensures benefits counselors are able to accept warm handovers of transitioning Service members who do not meet CRS and require VA assistance post separation. The VA hosts the interagency single web portal for connectivity between employers and transitioning Service members, Veterans and military spouses the Veterans Employment Center (VEC). VA provides input to the TAP interagency working groups and governance boards, and is involved in the data collection and sharing efforts to determine program outcomes, all of which represent costs to the organization.

ED serves a unique and highly valued role in the interagency partnership by ensuring the entire curriculum, both in classroom and virtual platform delivery, is based on adult learning principles. Their consultative role, tapped daily by the interagency partners, is critical to a quality TAP. ED also provides input to the TAP interagency working groups and governance boards and keeps a keen eye toward meaningful TAP outcomes, all of which represent costs to the organization.

The OPM contributes federal employment information and resources to the DOLEW, and enables the connectivity between the VEC and USA Jobs Web sites. The OPM also provides input to the TAP interagency working

groups and governance boards and contributes to performance measures.

The costs to DoD's interagency partners were not calculated; implementation of this rule was mandated by the Vow Act and costs for all parties are already incurred. The calculated costs to DoD and unmeasured costs to DoD's interagency partners provide significant resources to Service members resulting in benefits to the Nation.

The benefits of the redesigned TAP to the Service members are increased career readiness to obtain employment, start their own business or enter career technical training or an institution of higher learning at the point of separation from military service. The legacy, end-of-career TAP is replaced by pre-determined opportunities across the MLC for many transition-related activities to be completed during the normal course of business.

Since a direct economic estimate of the value of TAP is difficult for DoD to demonstrate as it would require collection of information from military personnel after they become private citizens, the value of the TAP can be derived by demonstrating qualitatively how Service members value the program and then displaying some changes in economic variables that can be differentiated between Veterans who have access to TAP and non-Veterans who do not have access to the program.

—According to one independent evaluation of the TAP, Service members who had participated in the TAP had, on average, found their first post-military job three weeks sooner than those who did not participate in the TAP.

—An independent survey asked Soldiers who had used the TAP their opinions about the curriculum. The Soldiers reported positive opinions about the usefulness of the TAP.

90% of the Soldiers felt that it was a useful resource in searching for employment and 88% of them would recommend the TAP to a colleague.

According to a curriculum assessment completed at the end of each TAP module, transitioning Service members gave the TAP positive reviews on its usefulness for their job search:

—92% of reported that they found the learning resources useful, including notes, handouts, and audio-visuals.

—83% reported that the modules enhanced their confidence in their own transition planning.

—81% reported that they now know how to access the necessary resources to find answers to transition questions that may arise in the next several months.

—79% said that the TAP was beneficial in helping them gain the information and skills they needed better to plan their transition.

—79% said that they will use what they learned from the TAP in their own transition planning.

—A comparison of unemployment insurance usage suggests that recently separated members of the military (2013 & 2014) were more likely to apply what they learned in the re-designed TAP and were more involved earlier in job training programs than unemployed claimants who did not have military experience (8.5% of UCX claimants versus 5.1% of Military service claimants).

—According to the Bureau of Labor Statistics, the unemployment rate for Veterans of the current conflict declined by 1.8 percentage points from August 2013 to August 2014 coinciding with the time period when all Service members were required to take the re-designed TAP.

The TAP also helps mitigate the adjustment costs associated with labor market transition. Military members must prepare for the adjustments associated with losing military benefits (*e.g.* housing, health care, child care) to the benefits afforded in private sector or nonmilitary public sector jobs. The TAP addresses this very important aspect based on a regulatory mandate that they attend both the DOLEW and the VA's Veterans Benefits Briefings, and complete a 12 month post-separation financial plan to meet CRS.

The early alignment of military skills with civilian workforce demands and deliberate planning for transition throughout a Service member's career sets the stage for a well-timed flow of Service members to our Nation's labor force. Employers state that transitioning Service members have critical job-related skills, competencies, and qualities including the ability to learn new skills, strong leadership qualities, and flexibility to work well in teams or independently, ability to set and achieve goals, recognition of problems and implementation of solutions, and ability to persevere in the face of obstacles. However, application of these skills and attributes must be translated into employer friendly language. These issues are addressed by the TAP. The rule supports providing private and public sector employers with a direct link to profiles and resumes of separating Service members through the Veterans Employment Center (VEC), where employers can recruit from this talent pipeline.

The rule benefits communities across the country. Civilian communities receive more educated, better trained and more prepared citizens when separating Service members return to communities as Veterans. Service members learn to align their military skills with civilian employment opportunities, which enables the pool of highly trained, adaptable, transitioning Service members a more timely integration into the civilian workforce and local economies.

Service members also learn through TAP about the rich suite of resources available to them from the interagency partners and have, for the asking, one-on-one appointments with interagency partner staff, who can provide assistance to Service members and their families both before and after the Service member leaves active duty. More specifically, the components of the mandatory CRS target deliberate planning for financial preparedness as well as employment, education, housing and transportation plans and, for those Service members with families, child care, schools, and spouse employment. The DoD and interagency partners incorporated the warm handover requirement for any transitioning Service member who does not meet the CRS. The warm handover is meant to serve as an immediate bridge from DoD to the federal partners' staffs, which are committed to providing needed support, resources and services to Service members post separation in the communities to which the Service members are returning. The intention is to provide early intervention before Veterans encounter the challenges currently identified by some communities, *e.g.,* financial struggles, unemployment, lack of social supports that can spiral down into homelessness, risk taking behaviors, etc. Families and communities benefit.

Risks: If this rule is not put into effect, approximately 200,000 Service members per year will return to their local communities ill prepared to assimilate into the civilian workforce, effectively use the Post 9/11 GI Bill benefits and other VA benefits that they have earned, minimize risks to starting small businesses, and will be unaware of community resources to assist them with their reintegration. More specifically, transitioning Service members will be uninformed as to how to best use their Post-9/11 GI Bill benefit—how to apply to a degree completion institution, how to choose the best school for degree completion, or how to choose a technical training program that leads to obtaining a credential—with a negative return on

their investment such as non-graduation, inability to transfer credits, or falling victim to predatory institutions, with an end result of wasting valuable taxpayer dollars. Service members, a most entrepreneurial population, would be poorly prepared to launch small businesses successfully, becoming part of the > 80% statistic of failed start-ups within the first year. Service members will be unprepared to capitalize upon health care benefits due to them, as well as health care mandated by and available through the Affordable Care Act. These avoidable information, education and training gaps could produce negative outcomes such as increased unemployment, financial uncertainty, business bankruptcy, family disruption, and even a possible increase in homelessness. These risks would be felt by local communities to which transitioning Service members return as communities deal with the long term economic and social fallout.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: DoD Instruction 1332.35, ''Transition Assistance Program (TAP) for Military Personnel.''

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RIN: 0790–AJ17

DOD—OS

18. Department of Defense (DOD)—Defense Industrial Base (DIB) Cybersecurity (CS) Activities

Priority: Other Significant.

Legal Authority: 10 U.S.C. 391; 10 U.S.C. 2224; 44 U.S.C. 3506; 44 U.S.C. 3544; and sec 941; Pub. L. 112–239, 126 Stat. 1632

CFR Citation: 32 CFR 236.

Legal Deadline: None.

Abstract: DoD is revising its DoD–DIB Cybersecurity (CS) Activities regulation to mandate reporting of cyber incidents that result in an actual or potentially adverse effect on a covered contractor information system or covered defense information residing therein, or on a contractor's ability to provide operationally critical support, and modify eligibility criteria to permit greater participation in the voluntary DoD-Defense Industrial Base (DIB) Cybersecurity (CS) information sharing program.

Statement of Need: This rule complies with statutory guidance under section 941 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013, and section 391 of Title 10, United States Code (U.S.C.), requiring defense contractors to rapidly report cyber incidents on their unclassified networks or information systems that may affect unclassified defense information, or that affect their ability to provide operationally critical support to the Department. This rule underscores the importance of better protecting unclassified defense information against the immediate cyber threat, while preserving the intellectual property and competitive capabilities of our national defense industrial base. The rule enables DoD to better assess, in the near term, when mission critical capabilities and services are affected by cyber incidents and reinforces DoD's overall efforts to defend DoD information, protect U.S. national interests against cyber-attacks, and support military operations and contingency plans worldwide. Cybersecurity is a Congressional priority and this rule supports the Administration's national cybersecurity strategy emphasizing public-private information sharing.

Summary of Legal Basis: The activities in this rule implement DoD statutory authorities to establish programs and activities to protect sensitive DoD information, including when such information resides on or transits information systems operated by contractors or others in support of DoD activities (*e.g.,* 10 U.S.C. 391 and 2224, the Federal Information Security Modernization Act (FISMA), codified at 44 U.S.C. 3551 *et seq.,* section 941 of the NDAA for FY 2013 (Pub. L. 112–239)). Activities under this rule also fulfill important elements of DoD's critical infrastructure protection responsibilities, as the sector specific agency for the DIB sector (see Presidential Policy Directive 21 (PPD–21), Critical Infrastructure Security and Resilience, available at *https://www.whitehouse.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil*).

Alternatives: None. This is revision to an existing regulation (32 CFR part 236).

Anticipated Cost and Benefits: Under this rule, contractors will incur costs associated with requirements for reporting cyber incidents of covered defense information on their covered contractor information system(s) or those affecting the contractor's ability to provide operationally critical support. Costs for contractors include identifying and analyzing cyber incidents and their impact on covered defense information, or a contractor's ability to provide operationally critical support, as well as obtaining DoD-approved medium assurance certificates to ensure authentication and identification when reporting cyber incidents to DoD. Government costs include onboarding new companies under the voluntary DoD–DIB CS information sharing program, and collecting and analyzing cyber incident reports, malicious software, and media.

Risks: Cyber threats to DIB unclassified information systems represent an unacceptable risk of compromise of DoD information and mission and pose an imminent threat to U.S. national security and economic security interests. The combination of the mandatory DoD contractor cyber incident reporting, combined with the voluntary participation in the DIB CS program, will enhance and supplement DoD contractor capabilities to safeguard DoD information that resides on, or transits, DoD contractor unclassified network or information systems.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/02/15	80 FR 59581
Interim Final Rule Effective.	10/02/15	
Interim Final Rule Comment Period End.	12/01/15	
Final Action	08/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

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RIN: 0790–AJ29

DOD—DEFENSE ACQUISITION REGULATIONS COUNCIL (DARC)

Proposed Rule Stage

19. • Detection and Avoidance of Counterfeit Electronic Parts—Further Implementation (DFARS Case 2014–D005)

Priority: Other Significant.

Legal Authority: 41 U.S.C. 1303; Pub. L. 112–81, sec 818; Pub. L. 113–291, sec 817

CFR Citation: 48 CFR 202; 48 CFR 212; 48 CFR 246; 48 CFR 252.

Legal Deadline: None.

Abstract: The Department of Defense (DoD) is issuing a proposed rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to further implement section 818 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012, as modified by section 817 of the NDAA for FY 2015, which requires DoD to issue regulations establishing requirements that DoD and DoD contractors and subcontractors, except in limited circumstances, shall acquire electronic parts from trusted suppliers in order to further address the avoidance of counterfeit electronic parts. On May 6, 2014, DoD published a final rule under DFARS Case 2012–D055, entitled Detection and Avoidance of Counterfeit Electronic Parts (78 FR 26092). That final rule constituted the initial partial implementation of section 818. Revisions to this rule will be reported in future status updates as part of DoD's retrospective plan under Executive Order 13563, completed in August 2011. DoD's full plan can be accessed at: *http://www.regulations.gov/#!docketDetail;D=DOD-2011-OS-0036*.

Statement of Need: DoD is required to implement in the DFARS the requirement for defense contractors and subcontractors, whenever possible, to acquire electronic parts from trusted suppliers, in order to avoid acquisition of counterfeit electronic parts.

Summary of Legal Basis: This regulation is proposed under the authorities of section 818 of the NDAA for FY 2012 (Pub. L. 112–81), as modified by section 817 of the NDAA for FY 2015 (Pub. L. 113–291).

Alternatives: No viable alternatives were identified, as this rule implements section 818 of the NDAA for FY 2012, as modified by section 817 of the NDAA for FY 2015.

Anticipated Cost and Benefits: Cost benefits or burdens associated with this rule are not available. The law requires DoD to issue regulations establishing requirements that DoD and DoD contractors and subcontractors, except in limited circumstances, shall acquire electronic parts from trusted suppliers in order to further address the avoidance of counterfeit electronic parts. DoD contractors and subcontractors that are not the original component manufacturer are required by the rule to notify the contracting officer if it is not possible to obtain an electronic part from a trusted supplier. For those instances where the contractor obtains electronic parts from sources other than a trusted supplier, the contractor is responsible for inspection, test, and authentication in accordance with existing applicable industry standards. Such validation of new parts and new suppliers are steps that a prudent contractor would take notwithstanding this rule. The additional burden imposed is the notification requirement, which should have a minimal cost impact. The rule applies only to contractors subject to the Cost Accounting Standards. This rule enhances DoD's ability to strengthen the integrity of the process for acquisition of electronic parts and benefits both the Government and contractors.

Risks: Failure to implement this rule may cause harm to the Government by resulting in the acquisition of counterfeit electronic parts which could directly impact national security.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	
NPRM Comment Period End.	01/00/16	
Final Action	09/00/16	
Final Action Effective.	09/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

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Related RIN: Related to 0750–AH89

RIN: 0750–AI58

DOD—DARC

Final Rule Stage

20. • Network Penetration Reporting and Contracting for Cloud Services (DFARS Case 2013–D018)

Priority: Other Significant.

Legal Authority: 41 U.S.C. 1303; 41 U.S.C. 1707; Pub. L. 112–239, sec 941; Pub. L. 113–291, sec 1632

CFR Citation: 48 CFR 202; 48 CFR 204; 48 CFR 212; 48 CFR 239; 48 CFR 252.

Legal Deadline: None.

Abstract: The Department of Defense (DoD) is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 941 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 and section 1632 of the NDAA for FY 2015, both of which require contractor reporting on network penetrations. Section 941 requires cleared defense contractors to report penetrations of networks and information systems and allows DoD personnel access to equipment and information to assess the impact of reported penetrations. Section 1632 requires that a contractor designated as operationally critical must report each time a cyber-incident occurs on that contractor's network or information systems. The rule requires contractors and subcontractors to report cyber incidents that result in an actual or potentially adverse effect on a covered contractor information system or covered defense information residing therein, or on a contractor's ability to provide operationally critical support. This rule also implements policy on the purchase of cloud computing services. The revisions to this rule will be reported in future status updates as part of DoD's retrospective plan under Executive Order 13563, completed in August 2011. DoD's full plan can be accessed at: *http://www.regulations.gov/#!docketDetail;D=DOD-2011-OS-0036*.

Statement of Need: DoD is required to implement in the DFARS a requirement for contractors to report network penetrations. Additionally, the DoD Chief Information Officer (CIO) released a Cloud Computing Security Requirements Guide on January 13, 2015, which cloud service providers must comply with when providing cloud services to DoD.

Summary of Legal Basis: This rule is required under the authorities of section 941 of the NDAA for FY 2013 (Pub. L. 112–239) and section 1632 of the NDAA for FY 2015 (Pub. L. 113–291).

Alternatives: No viable alternatives were identified, as this rule implements section 941 of the NDAA for FY 2013 and section 1632 of the NDAA for FY 2015, as well as the guidance established by the DoD CIO on security requirements for cloud computing.

Anticipated Cost and Benefits: Cost benefits or burdens associated with this rule are not available. The objective of

the rule is to improve information security for DoD information stored on or transiting through contractor systems as well as in a cloud environment. The rule will reduce the vulnerability of DoD information via attacks on its systems and networks and those of DoD contractors. This rule improves national security benefiting both the Government and contractors. This rule is likely to have a cost impact on all contractors that have covered defense information on their information systems. The cost impact of the rule will vary in relation to the capabilities of each affected contractor to adapt their systems to meet the new security controls. The benefits of the rule would be the potential decrease in the loss or compromise of covered defense information; however, this benefit across DoD is not susceptible to being quantified or measured. Ultimately, DoD anticipates significant savings to taxpayers by improving information security for DoD information that resides in or transits through contractor systems and a cloud environment.

Risks: Recent high-profile breaches of Federal information show the need to ensure that information security protections are clearly, effectively, and consistently addressed in contracts. Failure to implement this rule may cause harm to the Government through the compromise of covered defense information or other Government data, or the loss of operationally critical support capabilities, which could directly impact national security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/26/15	80 FR 51739
Interim Final Rule Effective.	08/26/15	
Interim Final Rule Comment Period End.	10/26/15	
Interim Final Rule Comment Period Extended.	10/22/15	80 FR 63928
Interim Final Rule Comment Period Extended End.	11/20/15	
Final Action	08/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Agency Contact: Jennifer Hawes, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email: jennifer.l.hawes2.civ@mail.mil.*

RIN: 0750–AI61

DOD—OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS (DODOASHA)

Proposed Rule Stage

21. • TRICARE: Mental Health and Substance Use

Priority: Other Significant.

Legal Authority: 10 U.S.C. 1073

CFR Citation: 32 CFR 199.

Legal Deadline: None.

Abstract: This rule proposes revisions to the TRICARE regulation to reduce administrative barriers to access to mental health benefit coverage and to improve access to substance use disorder (SUD) treatment for TRICARE beneficiaries, consistent with earlier Department of Defense and Institute of Medicine recommendations, current standards of practice in mental health and addition medicine, and governing laws. This proposed rule has four main objectives: (1) To eliminate of quantitative and qualitative treatment limitations on SUD and mental health benefit coverage and align beneficiary cost-sharing for mental health and SUD benefits with those applicable to medical/surgical benefits; (2) to expand covered mental health and SUD treatment under TRICARE, to include coverage of intensive outpatient programs and treatment of opioid dependence; (3) to streamline the requirements for institutional providers to become TRICARE authorized providers; and (4) to develop TRICARE reimbursement methodologies for newly recognized mental health and SUD intensive outpatient programs and opioid treatment programs.

Statement of Need: This rule is necessary to comply with the statutory provisions in section 703 of the National Defense Authorization Act for FY 2015 which removed TRICARE statutory day limitations on inpatient mental health services. It is also necessary to adopt the four main objectives listed above. In general, the DoD, pursuant to chapter 55 of title 10 U.S.C., covers health care, including mental health care, services and supplies, which are medically or psychologically necessary to prevent, diagnose, and/or treat a mental or physical illness, injury, or bodily malfunction. In 1996, Congress enacted the Mental Health Parity Act of 1996 (MHPA 1996) which required employment-related health insurance coverage offered in connection with group health plans to provide parity in aggregate lifetime and annual dollar limits for mental health benefits and medical and surgical benefits. In October 2008, the Mental Health Parity and Addictions Equity Act (MHPAEA) was signed into law as part of the Emergency Economic Stabilization Act of 2008. The changes made by MHPAEA consists of new standards, including parity for substance use disorder benefits, as well as amendments to the existing mental health parity provisions exacted in MHPA. This law requires group health insurance plans that provide both medical/surgical and mental health benefits to provide those benefits at parity. Specifically, financial requirements (*e.g.,* deductibles, co-payments, or coinsurance) and treatment limitations (*e.g.,* days of coverage and number of visits) cannot be more restrictive for mental health benefits than they are for medical/surgical benefits. The MHPAEA was amended by the Patient Protection and Affordable Care Act, as amended by the Health Care and Reconciliation Act of 2010, to also apply to individual health insurance coverage. TRICARE is not a group health plan subject to the MHPA 1996, the MHPAEA of 2008, or the Health Care and Reconciliation Act. However, the provisions of these acts serve as a model for TRICARE in proposing changes to existing benefit coverage so as to reduce administrative barriers to treatment and increase access to medically or psychologically necessary mental health care consistent with TRICARE statutory authority.

Summary of Legal Basis: This regulation is proposed under the authorities of 10 U.S.C., section 1073, which authorizes the Secretary of Defense to administer the medical and dental benefits provided in chapter 55 of title 10 U.S.C. The Department is authorized to provide medically necessary and appropriate medical care for mental and physical illnesses, injuries and bodily malfunctions, including hospitalization, outpatient care, drugs, and treatment of mental conditions under 10 U.S.C. 1077(a)(1)–(3) and (5). Although section 1077 identifies the types of health care to be provided in military treatment facilities, these types of health care are incorporated by reference as the types of health care benefits authorized for coverage within the civilian health care sector for active duty family members and retirees and their dependents through sections 1079 and 1086, respectively. In general, the scope of TRICARE benefits covered within the civilian health care sector and the TRICARE authorized providers of those benefits are found at 32 CFR part 199.4

and 199.6, respectively. Reimbursement is addressed in 32 CFR 199.14.

Alternatives: To the extent this rule implements statutorily required provisions, no alternatives are applicable. Further, any alternative that fails to address administrative barriers to mental health and SUD treatment and increasing access to medically or psychologically necessary mental health care consistent with TRICARE statutory authority is inconsistent with principles of mental health parity and ignores well-validated evidence and current standards of practice in mental health and SUD treatment.

Anticipated Cost and Benefits: This rule is not anticipated to have an annual effect on the economy of $100 million or more. Thus, economically, it is not a substantive, significant rule under the Executive Order and the Congressional Review Act. All services and supplies authorized under the TRICARE Basic Program must be determined to be medically necessary in the treatment of an illness, injury or bodily malfunction before the care can be cost shared by TRICARE. For this reason, DoD anticipates that TRICARE will have a marginal increase in cost associated with increased access to authorized mental health and SUD treatment within the TRICARE Basic Program. Failure to prevent or treat these conditions results in severe and widespread consequences, including increased risk of suicide and exacerbation of mental and physical health disorders. Short-term treatments usually are followed by relapses. These proposed revisions will increase access to mental health and SUD treatment, including long-term outpatient care and other systemic supports, resulting in more comprehensive care and hopefully a greater incentive for beneficiaries to seek the care they need.

Risks: This proposed rule implements statutorily required provisions for adoption and implementation. No risk to the public is applicable as this proposed rule expands access to care, and streamlines requirements for TRICARE authorized provider approval.

Timetable:

Action	Date	FR Cite
NPRM	01/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Patricia Moseley, Department of Defense, Office of Assistant Secretary for Health Affairs, Defense Pentagon, Washington, DC 22301, *Phone:* 703 681–0064.

RIN: 0720–AB65

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Statement of Regulatory Priorities

I. Introduction

The U.S. Department of Education (Department) supports States, local communities, institutions of higher education, and others in improving education and other services nationwide in order to ensure that all Americans, including those with disabilities, receive a high-quality education and are prepared for high-quality employment. We provide leadership and financial assistance pertaining to education and related services at all levels to a wide range of stakeholders and individuals, including State educational and other agencies, local school districts, providers of early learning programs, elementary and secondary schools, institutions of higher education, career and technical schools, nonprofit organizations, postsecondary students, members of the public, families, and many others. These efforts are helping to ensure that all children and students from pre-kindergarten through grade 12 will be ready for, and succeed in, postsecondary education or employment, and that students attending postsecondary institutions are prepared for a profession or career.

We also vigorously monitor and enforce the implementation of Federal civil rights laws in educational programs and activities that receive Federal financial assistance, and support innovative programs, research and evaluation activities, technical assistance, and the dissemination of research and evaluation findings to improve the quality of education.

Overall, the laws, regulations, and programs that the Department administers will affect nearly every American during his or her life. Indeed, in the 2015–2016 school year, about 55 million students will attend an estimated 130,000 elementary and secondary schools in approximately 13,500 districts, and about 21 million students will enroll in degree-granting postsecondary schools. All of these students may benefit from some degree of financial assistance or support from the Department.

In developing and implementing regulations, guidance, technical assistance, and monitoring related to our programs, we are committed to working closely with affected persons and groups. Specifically, we work with a broad range of interested parties and the general public, including families, students, and educators; State, local, and tribal governments; other Federal agencies; and neighborhood groups, community-based early learning programs, elementary and secondary schools, colleges, rehabilitation service providers, adult education providers, professional associations, advocacy organizations, businesses, and labor organizations.

If we determine that it is necessary to develop regulations, we seek public participation at the key stages in the rulemaking process. We invite the public to submit comments on all proposed regulations through the Internet or by regular mail. We also continue to seek greater public participation in our rulemaking activities through the use of transparent and interactive rulemaking procedures and new technologies.

To facilitate the public's involvement, we participate in the Federal Docketing Management System (FDMS), an electronic single Government-wide access point (*www.regulations.gov*) that enables the public to submit comments on different types of Federal regulatory documents and read and respond to comments submitted by other members of the public during the public comment period. This system provides the public with the opportunity to submit comments electronically on any notice of proposed rulemaking or interim final regulations open for comment, as well as read and print any supporting regulatory documents.

We are continuing to streamline information collections, reduce the burden on information providers involved in our programs, and make information easily accessible to the public.

II. Regulatory Priorities

A. Elementary and Secondary Education Act of 1965, as Amended

We are working with Congress to reauthorize the ESEA. As we do so, we continue to provide flexibility on certain provisions of current law for States that are embracing reform. The mechanisms we are using will ensure continued accountability and commitment to high-quality education for all students while providing States with increased flexibility to implement State and local reforms to improve student achievement. The ESEA, when enacted, will likely require the Department to promulgate conforming regulations.

B. Workforce Innovation and Opportunity Act

President Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law on July 22, 2014. WIOA replaced the Workforce Investment Act of 1998 (WIA), including the Adult Education and Family Literacy Act (AEFLA), and amended the Wagner-Peyser Act and the Rehabilitation Act of 1973 (Rehabilitation Act). WIOA promotes the integration of the workforce development system's six ''core programs'', including AEFLA and the vocational rehabilitation program under Title I of the Rehabilitation Act, into the revamped workforce development system under Title I of WIOA. The Department issued four NPRMs in April, 2015, one joint rule with the Department of Labor (DOL) and three ED-specific packages. We plan to issue final rules for each of the four packages in April, 2016.

C. Borrower Defense Issues

In August 2015, the Department announced its intent to convene a committee to develop proposed regulations for determining which acts or omissions of an institution of higher education (''institution'') a borrower may assert as a defense to repayment of a loan made under the William D. Ford Federal Direct Loan (Federal Direct Loan) Program (''borrower defenses'') and the consequences of such borrower defenses for borrowers, institutions, and the Secretary. Specifically, the Department intends to address: (1) The procedures to be used for a borrower to establish a defense to repayment; (2) the criteria that the Department will use to identify acts or omissions of an institution that constitute defenses to repayment of Federal Direct Loans to the Secretary; (3) the standards and procedures that the Department will use to determine the liability of the institution participating in the Federal Direct Loan Program for amounts based on borrower defenses; and (4) the effect of borrower defenses on institutional capability assessments. The Department is holding public hearings for interested parties to discuss the rulemaking agenda during September 2015, and anticipates that any committee established after the public hearings will begin negotiations in January 2016.

D. Higher Education Act of 1965, as Amended

The Higher Education Act expired at the end of 2013, and its reauthorization, when enacted, will likely require the Department to promulgate conforming regulations. In the meantime, we are continuing to work on several regulatory activities under the Title IV Federal Student Aid programs to improve protections for students and safeguard Federal dollars invested in postsecondary education.

IV. Principles for Regulating

Over the next year, we may need to issue other regulations because of new legislation or programmatic changes. In doing so, we will follow the Principles for Regulating, which determine when and how we will regulate. Through consistent application of those principles, we have eliminated unnecessary regulations and identified situations in which major programs could be implemented without regulations or with limited regulatory action.

In deciding when to regulate, we consider the following:

- Whether regulations are essential to promote quality and equality of opportunity in education.
- Whether a demonstrated problem cannot be resolved without regulation.
- Whether regulations are necessary to provide a legally binding interpretation to resolve ambiguity.
- Whether entities or situations subject to regulation are similar enough that a uniform approach through regulation would be meaningful and do more good than harm.
- Whether regulations are needed to protect the Federal interest, that is, to ensure that Federal funds are used for their intended purpose and to eliminate fraud, waste, and abuse.

In deciding how to regulate, we are mindful of the following principles:

- Regulate no more than necessary.
- Minimize burden to the extent possible, and promote multiple approaches to meeting statutory requirements if possible.
- Encourage coordination of federally funded activities with State and local reform activities.
- Ensure that the benefits justify the costs of regulating.
- To the extent possible, establish performance objectives rather than specify compliance behavior.
- Encourage flexibility, to the extent possible and as needed to enable institutional forces to achieve desired results.

ED—OFFICE OF POSTSECONDARY EDUCATION (OPE)

Final Rule Stage

22. Repaye

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 20 U.S.C. 1078; 20 U.S.C. 1087e

CFR Citation: 34 CFR 682.202; 34 CFR 685.202; 34 CFR 685.208; 34 CFR 685.209.

Legal Deadline: None.

Abstract: On June 9, 2014, the President issued a memorandum (79 FR 33843) directing the Secretary to propose regulations by June 9, 2015, that will allow additional students who borrowed Federal Direct Loans to cap their Federal student loan payments at 10 percent of their income. The memorandum further directed the Secretary to issue final regulations after considering all public comments with the goal of making the repayment option available to borrowers by December 31, 2015.

Statement of Need: The President has issued a memorandum directing the Secretary to propose regulations by June 9, 2015, that will allow additional student borrowers Federal Direct Loans to cap their Federal student loan payments at 10 percent of their income. The memorandum further directed the Secretary to issue final regulations after considering all public comments with the goal of making the repayment option available to borrowers by December 31, 2015.

In addition, the notice of proposed rulemaking will propose the establishment of procedures for Federal Family Education Loan (FFEL) Program loan holders to use the Department of Defense's Defense Manpower Data Center (DDMC) database to identify U.S. military servicemembers who may be eligible for a lower rate on their FFEL Program loans under the Servicemembers Civil Relief Act (SCRA).

Summary of Legal Basis: The President directed the Secretary to propose regulations that will allow additional student borrowers Federal Direct Loans to cap their Federal student loan payments at 10 percent of their income.

These final regulations will amend the Student Assistance General Provisions regulations governing Direct Loan cohort default rates (CDRs) to expand the circumstances under which an institution may challenge or appeal the potential consequences of a draft or final CDR based on the institution's participation rate index (PRI).

Alternatives: These will be discussed in the final regulations.

Anticipated Cost and Benefits: These will be discussed in the final regulations.

Risks: These will be discussed in the final regulations.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Negotiated Rulemaking Committee.	09/03/14	79 FR 52273
NPRM	07/09/15	80 FR 39608
NPRM Comment Period End.	08/10/15	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Federal, Local, State.

URL for Public Comments: www.regulations.gov.

Agency Contact: Barbara Hoblitzell, Department of Education, Office of Postsecondary Education, Room 8019, 1990 K Street NW., Washington, DC 20006, *Phone:* 202 502–7649, *Email: barbara.hoblitzell@ed.gov.*

RIN: 1840–AD18

ED—OFFICE OF CAREER, TECHNICAL, AND ADULT EDUCATION (OCTAE)

Final Rule Stage

23. Workforce Innovation and Opportunity Act

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: Pub. L. 113–128; 29 U.S.C. 3101

CFR Citation: 34 CFR 361; 34 CFR 463.

Legal Deadline: Final, Statutory, January 22, 2016.

Abstract: The Departments of Education (ED) and Labor (DOL) are implementing, through final regulations, jointly-administered activities authorized by title I of the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113–128). Through these regulations, the Departments will implement job training system reforms and strengthen the nation's workforce development system to put Americans back to work and make the United States more competitive in the 21st century. This joint rule provides guidance for State and local workforce development systems that increase the skill and credential attainment, employment, retention, and earnings of participants, especially those with significant barriers to employment, thereby improving the quality of the workforce, reducing welfare dependency, and enhancing the productivity and competitiveness of the nation.

WIOA strengthened the alignment of the workforce development system's six core programs by imposing unified strategic planning requirements, common performance accountability measures, and requirements governing the one-stop delivery system. In so doing, WIOA placed heightened emphasis on coordination and collaboration at the Federal, State, and local levels to ensure a streamlined and coordinated service delivery system for job seekers, including those with disabilities, and employers. To that end, ED and DOL are issuing final regulations to implement jointly-administered activities under title I of WIOA. These regulations lay the foundation, through coordination and collaboration at the Federal level, for implementing the vision and goals of WIOA.

Statement of Need: WIOA mandates that the Department issue final regulations by January 2016.

Summary of Legal Basis: WIOA mandates that the Department issue final regulations by January 2016.

Alternatives: These will be discussed in the final regulations.

Anticipated Cost and Benefits: These will be discussed in the final regulations.

Risks: These will be discussed in the final regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/16/15	80 FR 20573
NPRM Comment Period End.	06/15/15	
Final Action	04/00/16	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

URL for Public Comments: www.regulations.gov.

Agency Contact: Mary Louise Dirrigl, Department of Education, Office of Special Education and Rehabilitative Services, Room 5156, 400 Maryland Avenue SW., Washington, DC 20202, *Phone:* 202 245–7324, *Email: mary.louise.dirrigl@ed.gov.*

Cheryl Keenan, Department of Education, Office of Career, Technical, and Adult Education, Room 11–151, PCP, 550 12th Street SW., Washington, DC 20202, *Phone:* 202 245–7810, *Email: cheryl.keenan@ed.gov.*

RIN: 1830–AA21

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Statement of Regulatory and Deregulatory Priorities

The Department of Energy (Department or DOE) makes vital contributions to the Nation's welfare through its activities focused on improving national security, energy supply, energy efficiency, environmental remediation, and energy research. The Department's mission is to:

- Promote dependable, affordable and environmentally sound production and distribution of energy;
- Advance energy efficiency and conservation;
- Provide responsible stewardship of the Nation's nuclear weapons;
- Provide a responsible resolution to the environmental legacy of nuclear weapons production; and
- Strengthen U.S. scientific discovery, economic competitiveness, and improve quality of life through innovations in science and technology.

The Department's regulatory activities are essential to achieving its critical mission and to implementing major initiatives of the President's National Energy Policy. Among other things, the Regulatory Plan and the Unified Agenda contain the rulemakings the Department will be engaged in during the coming year to fulfill the Department's commitment to meeting deadlines for issuance of energy conservation standards and related test procedures. The Regulatory Plan and Unified Agenda also reflect the Department's continuing commitment to cut costs, reduce regulatory burden, and increase responsiveness to the public.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), several regulations have been identified as associated with retrospective review and analysis in the Department's retrospective review of regulations plan. Some of the entries on this list may be completed actions, which do not appear in the Regulatory Plan. However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on *www.Reginfo.gov* in the Completed Actions section. These rulemakings can also be found on *www.Regulations.gov.* The final agency plan can be found at

http://www.whitehouse.gov/sites/default/files/other/2011-regulatory-action-plans/departmentofenergyregulatoryreformplanaugust2011.pdf.

Energy Efficiency Program for Consumer Products and Commercial Equipment

The Energy Policy and Conservation Act (EPCA) requires DOE to set appliance efficiency standards at levels that achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. The Department continues to follow its schedule for setting new appliance efficiency standards. These rulemakings are expected to save American consumers billions of dollars in energy costs.

Estimate of Combined Aggregate Costs and Benefits

In 2014, the Department published final rules that adopted new or amended energy conservation standards for ten different products, including furnace fans, motors, commercial refrigeration equipment, metal halide lamp fixtures, external power supplies, commercial clothes washers; general service fluorescent lamps, and automatic commercial ice makers. The ten standards finalized in 2014 are estimated to reduce carbon dioxide emissions by over 400 million metric tons and save American families and businesses $78 billion in electricity bills through 2030.

Since 2009, the Energy Department has finalized new efficiency standards for more than 30 household and commercial products, including dishwashers, refrigerators and water heaters, which are estimated to save consumers several hundred billion dollars through 2030. To build on this momentum, the Department is committed to continuing to establish new efficiency standards that—when combined with the progress already made through previously finalized standards—will reduce carbon pollution by approximately 3 billion metric tons in total by 2030, equal to more than a year's carbon pollution from the entire U.S. electricity system.

As part of the President's Climate Action Plan, the Energy Department has committed to an ambitious goal of finalizing at least 20 additional energy efficiency standards by the end of 2016. The overall plan for implementing the schedule is contained in the Report to Congress pursuant to section 141 of EPACT 2005, which was released on January 31, 2006. This plan was last updated in the August 2015 report to Congress and now includes the requirements of the Energy Independence and Security Act of 2007 (EISA 2007), the American Energy Manufacturing Technical Corrections Act (AEMTCA), and the Energy Efficiency Improvement Act of 2015. The reports to Congress are posted at: *http://energy.gov/eere/buildings/reports-and-publications.* While each of these high priority rules will build on the progress made to date, and will continue to move the U.S. closer to a low carbon future, DOE believes that seven rulemakings are the most important of its significant regulatory actions and, therefore, comprise the Department's Regulatory Plan. However, because of the current stage of four of the rulemakings, DOE has not yet proposed candidate standard levels for these products and cannot provide an estimate of combined aggregate costs and benefits for this action. DOE will, however, in compliance with all applicable law, issue standards that provide the maximum improvement in energy efficiency that is technologically feasible and economically justified. Estimates of energy savings will be provided when DOE issues the notice of proposed rulemakings for central air conditioners and heat pumps, computers and battery backup systems, commercial water heaters, and general service fluorescent lamps. For small, large, and very large commercial package air conditioning and heating equipment, DOE estimates that energy savings from electricity will be 11.7 quads over 30 years and the benefit to the Nation will be between $16.5 billion to $50.8 billion. For non-weatherized gas furnaces, DOE estimates that energy savings from electricity will be 2.78 quads over 30 years and the benefit to the Nation will be between $3.1 billion and $16.1 billion. For commercial and industrial pumps, DOE estimates that the energy savings from electricity will be 0.28 quads over 30 years and the benefit to the Nation will be between $0.41 billion and $1.11 billion.

DOE—ENERGY EFFICIENCY AND RENEWABLE ENERGY (EE)

Proposed Rule Stage

24. Coverage Determination for Computers and Battery Backup Systems

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined

Unfunded Mandates: Undetermined

Legal Authority: 42 U.S.C. 6292(a)(20) and (b)

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: DOE has tentatively determined that computer and battery backup systems (computer systems) qualify as covered products under Part A of Title III of EPCA, as amended. DOE has not previously conducted an energy conservation standard rulemaking for computers systems. If, after public comment, DOE issues a final determination of coverage for computer systems, DOE may prescribe both test procedures and energy conservation standards for computer systems.

Statement of Need: EPCA authorizes DOE to establish minimum energy efficiency standards for certain appliances and commercial equipment, including computer systems. EPCA further requires that DOE review such standards and determine whether to amend them within six years after promulgation.

Summary of Legal Basis: Title III, Part B of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Pub. L. 94–163 (42 U.S.C. 6291–6309, as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances (collectively referred to as covered products). In addition to specifying a list of covered products, EPCA contains provisions that enable the Secretary to classify additional types of consumer products as covered products. (42 U.S.C. 6292(a)(20)). For a given product to be classified as a covered product, the Secretary must determine that certain criteria are met. (42 U.S.C. 6292(b)(1). For the Secretary to prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p) for covered products added pursuant to 42 U.S.C. 6295(b)(1), he must also determine that certain additional criteria are met. (42 U.S.C. 6295(l)(1).

Alternatives: The statute requires DOE to conduct rulemakings to establish standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination, DOE conducts a thorough analysis of the alternative standard levels, including the existing standard, based on the criteria specified by the statute.

Anticipated Cost and Benefits: Because DOE has not yet proposed amended energy efficiency standards, DOE cannot provide an estimate of combined aggregate costs and benefits. DOE will, however, in compliance with all applicable laws, issue standards that provide for increased energy efficiency that are economically justified.

Estimates of energy savings will be provided when DOE issues the notice of proposed rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
Notice of Proposed Determination.	02/28/14	79 FR 11345
NOPD Comment Period End.	03/31/14	
NOPD Comment Period Extended.	04/03/14	79 FR 18661
NOPD Comment Period Extended End.	04/15/14	
Framework Document.	07/17/14	79 FR 41656
Framework Document Comment Period End.	09/02/14	
Framework Document Comment Period Extended.	08/05/14	79 FR 45377
Framework Document Comment Period Extended End.	10/02/14	
NPRM	11/00/15	
Final Determination.	07/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Local, State.

Federalism: Undetermined.

URL for More Information: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/78.

URL for Public Comments: www.regulations.gov/#!docketDetail;D=EERE-2013-BT-DET-0035.

Agency Contact: Jeremy Dommu, Office of Building Technologies Program, EE–2J, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 586–9870, *Email: jeremy.dommu@ee.doe.gov.*

RIN: 1904–AD04

DOE—EE

25. Energy Conservation Standards for General Service Lamps

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined

Unfunded Mandates: Undetermined

Legal Authority: 42 U.S.C. 6295(i)(6)(A) and (B)

CFR Citation: 10 CFR 430.

Legal Deadline: Final, Statutory, January 1, 2017.

Abstract: Amendments to Energy Policy and Conservation Act (EPCA) in the Energy Independence and Security Act of 2007 direct DOE to conduct two rulemaking cycles to evaluate energy conservation standards for GSLs, the first of which must be initiated no later than January 1, 2014. EPCA specifically states that the scope of the rulemaking is not limited to incandescent lamp technologies. EPCA also states that DOE must consider in the first rulemaking cycle the minimum backstop requirement of 45 lumens per watt for general service lamps (GSLs) effective January 1, 2020. This rulemaking constitutes DOE's first rulemaking cycle.

Statement of Need: EPCA requires minimum energy efficiency standards for certain appliances and commercial equipment.

Summary of Legal Basis: Title III of the Energy Policy and Conservation Act of 1975 (EPCA or the Act) Public Law 94163 (42 U.S.C. 6291–6309 as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles. Pursuant to EPCA any new or amended energy conservation standard that the U.S. Department of Energy (DOE) prescribes for certain products such as general service lamps shall be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified (42 U.S.C. 6295(o)(2)(A)) and result in a significant conservation of energy (42 U.S.C. 6295(o)(3)(B)).

Alternatives: The statute requires DOE to conduct rulemakings to review standards and to revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination DOE conducts a thorough analysis of the alternative standard levels including the existing standard based on the criteria specified by the statute.

Anticipated Cost and Benefits: Because DOE has not yet proposed energy efficiency standards, DOE cannot provide an estimate of combined aggregate costs and benefits for these actions. DOE will, however, in compliance with all applicable law, issue standards that provide for increased energy efficiency that are economically justified. Estimates of energy savings will be provided when DOE issues the notice of proposed rulemaking action.

Risks:

Timetable:

Action	Date	FR Cite
Framework Document Availability; Public Meeting.	12/09/13	78 FR 73737
Framework Document Comment Period End.	01/23/14	
Framework Document Comment Period Extended.	01/23/14	79 FR 3742
Framework Document Comment Period Extended End.	02/07/14	
Preliminary Analysis; Notice of Public Meeting; Date 01/20/15.	12/11/14	79 FR 73503
Preliminary Analysis Comment Period End.	02/09/15	
Preliminary Analysis Comment Period Extended.	01/30/15	80 FR 5052
Preliminary Analysis Comment Period Extended End.	02/23/15	
NPRM	11/00/15	
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL for More Information: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=83.

URL for Public Comments: www.regulations.gov/#!docketDetail;D=EERE-2013-BT-STD-0051.

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RIN: 1904–AD09

DOE—EE

26. Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces

Priority: Economically Significant. Major under 5 U.S.C. 801

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 42 U.S.C. 6295(f)(4)(e); 42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(gg)(3)

CFR Citation: 10 CFR 430.

Legal Deadline: NPRM, Judicial, April 24, 2015. Final, Judicial, April 24, 2016, One year after issuance of the proposed rule.

Abstract: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential furnaces. EPCA also requires the DOE to periodically determine whether more-stringent amended standards would be technologically feasible and economically justified and would save a significant amount of energy. DOE is amending its energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces in partial fulfillment of a court-ordered remand of DOE's 2011 rulemaking for these products.

Statement of Need: EPCA requires minimum energy efficiency standards for certain appliances and commercial equipment, including residential furnaces.

Summary of Legal Basis: Title III of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163 (42 U.S.C. 6291–6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles. Pursuant to EPCA, any new or amended energy conservation standard that the U.S. Department of Energy (DOE) prescribes for certain products, such as residential furnaces, shall be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified (42 U.S.C. 6295(o)(2)(A)) and result in a significant conservation of energy (42 U.S.C. 6295(o)(3)(B)).

Alternatives: The statute requires DOE to conduct rulemakings to review standards and to revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination, DOE conducts a thorough analysis of the alternative standard levels, including the existing standard, based on the criteria specified by the statute.

Anticipated Cost and Benefits: Because DOE has not yet proposed energy efficiency standards, DOE cannot provide an estimate of combined aggregate costs and benefits for these actions. DOE will, however, in compliance with all applicable laws, issue standards that provide for increased energy efficiency that are economically justified. Estimates of energy savings will be provided when DOE issues the notice of proposed rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
Notice of Public Meeting.	10/30/14	79 FR 64517
NPRM and Public Meeting Date 03/27/15.	03/12/15	80 FR 13120
NPRM Comment Period Extended.	05/20/15	80 FR 28851
NPRM Extended Comment Period End.	07/10/15	
Notice of Data Availability (NODA).	09/14/15	80 FR 55038
NODA Comment Period End.	10/14/15	
NODA Comment Period Reopened.	10/23/15	80 FR 64370
NODA Comment Period Reopened End.	11/06/15	
Final Action	01/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Local, State.

URL for More Information: www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/72.

URL for Public Comments: www.regulations.gov/#!docketDetail;D=EERE-2014-BT-STD-0031.

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RIN: 1904–AD20

DOE—EE

27. Energy Conservation Standards for Commercial Water Heating Equipment

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: 412 U.S.C. 6313(a)(6)(C)(i) and (vi)

CFR Citation: 10 CFR 431.

Legal Deadline: NPRM, Statutory, December 31, 2013, Either proposed rule or determination not to amend standards.

Abstract: Once completed, this rulemaking will fulfill DOE's statutory obligation to either propose amended energy conservation standards for commercial water heaters, hot water supply boilers, and unfired hot water storage tanks or determine that the existing standards do not need to be amended. DOE must determine whether national standards more stringent than those that are currently in place would result in a significant additional amount of energy savings and whether such amended national standards would be technologically feasible and economically justified.

Statement of Need: EPCA requires minimum energy efficiency standards for certain appliances and commercial equipment, including commercial water heating equipment. EPCA further requires that DOE review such standards and determine whether to amend them within six years after promulgation.

Summary of Legal Basis: Title III, Part C of EPCA, Public Law 94163, (42 U.S.C. 62916309, as codified) sets forth a variety of provisions designed to improve energy efficiency and established the Energy Conservation Program for Certain Industrial Equipment, a program covering commercial and industrial equipment, including commercial water heating (CWH) equipment that is the subject of this rulemaking. (42 U.S.C. 6311(1)(K)).

EPCA requires DOE to evaluate and consider amending its energy conservation standards for certain commercial and industrial equipment (*i.e.,* specified heating, air-conditioning, and water heating equipment) each time ASHRAE Standard 90.1 is updated with respect to such equipment. (42 U.S.C. 6313(a)(6)(A)) Pursuant to 42 U.S.C. 6313(a)(6)(A), for CWH equipment, EPCA directs that if ASHRAE Standard 90.1 is amended, DOE must publish in the **Federal Register** an analysis of the energy savings potential of amended energy conservation standards within 180 days of the amendment of ASHRAE Standard 90.1. (42 U.S.C. 6313(a)(6)(A)(i)) EPCA further directs that DOE must adopt amended standards at the new efficiency level in ASHRAE Standard 90.1, unless clear and convincing evidence supports a determination that adoption of a more-stringent level would produce significant additional energy savings and be technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)) If DOE decides to adopt as a national standard the efficiency levels specified in the amended ASHRAE Standard 90.1, DOE must establish such standard not later than 18 months after publication of the amended industry standard. (42 U.S.C.

6313(a)(6)(A)(ii)(I)) If DOE determines that a more-stringent standard is appropriate under the statutory criteria, DOE must establish such more-stringent standard not later than 30 months after publication of the revised ASHRAE Standard 90.1. (42 U.S.C. 6313(a)(6)(B)(i)).

In addition, EPCA requires DOE to periodically review its already-established energy conservation standards for covered ASHRAE equipment and publish either a notice of proposed rulemaking with amended standards or a determination that the standards do not need to be amended. (42 U.S.C. 6313(a)(6)(C)(i)) DOE's periodic review of ASHRAE equipment must occur [e]very six years. (42 U.S.C. 6313(a)(6)(C)(i)) EPCA also specifies that any amendments to the design requirements with respect to the ASHRAE equipment would trigger DOE review of the potential energy savings under 42 U.S.C. 6313(a)(6)(A)(i). EPCA also requires DOE to initiate a rulemaking to consider amending the energy conservation standards for any covered equipment for which more than 6 years has elapsed since the issuance of the most recent final rule establishing or amending a standard for the product as of December 18, 2012, in which case DOE must publish either: (1) A notice of determination that the current standards do not need to be amended, or (2) a notice of proposed rulemaking containing proposed standards. (42 U.S.C. 6313(a)(6)(C)(vi)).

Alternatives: The statute requires DOE to conduct rule makings to review standards and to revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination, DOE conducts a thorough analysis of the alternative standard levels, including the existing standard, based on the criteria specified by the statute.

Anticipated Cost and Benefits: Because DOE has not yet proposed amended energy efficiency standards, DOE cannot provide an estimate of combined aggregate costs and benefits for these actions. DOE will, however, in compliance with all applicable laws, issue standards that provide for increased energy efficiency that are economically justified. Estimates of energy savings will be provided when DOE issues the notice of proposed rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
Request for Information.	10/21/14	79 FR 62899
RFI Comment Period End.	11/20/14	
NPRM	11/00/15	
Final Action	07/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL for More Information:www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/51.

URL for Public Comments: www.regulations.gov/#!docketDetail;D=EERE-2014-BT-STD-0042.

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RIN: 1904–AD34

DOE—EE

28. Energy Conservation Standards for Central Air Conditioners and Heat Pumps

Priority: Economically Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

Legal Authority: 42 U.S.C. 6295(m)(1)

CFR Citation: 10 CFR 430.

Legal Deadline: Final, Statutory, June 6, 2017, Final rule or final determination.

Abstract: DOE must determine whether to amend the current energy conservation standards for residential central air conditioner and heat pump products. According to the Energy Policy and Conservation Act's six-year review requirement (42 U.S.C. 6295(m)(1)), DOE must publish a notice of proposed rulemaking to propose new standards for residential central air conditioner and heat pump products, or a notice of determination that the existing standards do not need to be amended, by June 6, 2017. This rulemaking is to determine whether amended standards for residential central air conditioner and heat pump products would result in a significant amount of additional energy savings, and whether those standards would be technologically feasible and economically justified. On July 14, 2015, DOE announced its intention to establish a negotiated rulemaking working group to negotiate proposed federal standards for the energy efficiency requirements of central air conditioners and heat pumps.

Statement of Need: EPCA requires minimum energy efficiency standards for certain appliances and commercial equipment, including residential central air conditioner and heat pump products. EPCA further requires that DOE review such standards and determine whether to amend them six years after promulgation.

Summary of Legal Basis: Title III, Part B of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94163, (42 U.S.C. 62916309, as codified) sets forth a variety of provisions designed to improve energy efficiency and established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering major household appliances (collectively referred to as ''covered products''), including residential central air conditioners and heat pumps that are the subject of this rulemaking. (42 U.S.C. 6292(a)(3)) Further, EPCA requires that, not later than six years after the issuance of a final rule establishing or amending a standard, DOE publish a NOPR proposing new standards or a notice of determination that the existing standards do not need to be amended. (42 U.S.C. 6295(m)(1)).

Alternatives: The statute requires DOE to conduct rule makings to review standards and to revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination, DOE conducts a thorough analysis of the alternative standard levels, including the existing standard, based on the criteria specified by the statute.

Anticipated Cost and Benefits: Because DOE has not yet proposed amended energy efficiency standards, DOE cannot provide an estimate of combined aggregate costs and benefits for these actions. DOE will, however, in compliance with all applicable laws, issue standards that provide for increased energy efficiency that are economically justified. Estimates of energy savings will be provided when DOE issues the notice of proposed rulemaking.

Risks:

Timetable:

Action	Date	FR Cite
Request for Information.	11/05/14	79 FR 65603

Action	Date	FR Cite
RFI Comment Period End.	12/05/14	
Notice of Public Meeting of Working Group.	07/14/15	80 FR 40938
NODA Provisional Analysis Tools.	08/28/15	80 FR 52206
Notice of Public Meeting.	09/10/15	80 FR 54444
NPRM	11/00/15	
NODA Comment Period End.	12/31/15	
Final Action	05/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

URL for More Information: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=104.

URL for Public Comments: www.regulations.gov/#!docketDetail;D=EERE-2014-BT-STD-0048.

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RIN: 1904–AD37

DOE—EE

Final Rule Stage

29. Energy Conservation Standards for Commercial and Industrial Pumps

Priority: Economically Significant.

Unfunded Mandates: Undetermined.

Legal Authority: 42 U.S.C. 6311(1)(A)

CFR Citation: 10 CFR 431.

Legal Deadline: None.

Abstract: EPCA, as amended, authorizes the Secretary to determine whether establishing energy conservation standards for commercial and industrial pumps is technically feasible and economically justified and would save a significant amount of energy. On June 13, 2013, DOE published a notice of intent to establish a negotiated rulemaking working group for the commercial and industrial pumps rulemaking under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed Federal standards for the energy efficiency of commercial and industrial pumps (78 FR 44036). The purpose of the working group was to discuss and, if possible, reach consensus on a proposed rule for the energy efficiency of commercial and industrial pumps. The working group negotiated standard levels that were accepted by ASRAC on July 7, 2014. As a result, DOE has proposed to adopt the working groups' recommendations.

Statement of Need: EPCA authorizes DOE to establish minimum energy efficiency standards for certain appliances and commercial equipment, including Commercial and Industrial Pumps.

Summary of Legal Basis: Title III, Part C of EPCA, Public Law 94–163 (42 U.S.C. 6311–6317), established the Energy Conservation Program Certain Industrial Equipment. Pursuant to EPCA, any new or amended energy conservation standard that DOE prescribes for certain equipment, such as commercial and industrial pumps, shall be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)(II)). Furthermore, the new or amended standard must result in a significant conservation of energy. (42 U.S.C. 6313(a)(6)(A)(ii)(II)).

Alternatives: EPCA requires DOE, in conducting a rulemaking to consider standards for commercial and industrial equipment, including pumps, to establish standards that achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination, DOE conducts a thorough analysis of the alternative standard levels, including the existing standard, based on the criteria specified by the statute.

Anticipated Cost and Benefits: DOE finds that the benefits to the Nation of the proposed energy standards for Commercial and Industrial Pumps (such as energy savings, consumer average lifecycle cost savings, an increase in national net present value, and emission reductions) outweigh the burdens (such as loss of industry net present value). DOE estimates that energy savings from electricity will be 0.28 quads over 30 years and the benefit to the Nation will be between $0.41 billion to $1.11 billion.

Risks:

Timetable:

Action	Date	FR Cite
Request for Information.	06/13/11	76 FR 34192
Availability of Framework Document.	02/01/13	78 FR 7304
NPRM	04/02/15	80 FR 17826
NPRM Comment Period End.	06/01/15	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

URL for More Information: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/14.

URL for Public Comments: www.regulations.gov/#!docketDetail;D=EERE-2011-BT-STD-0031.

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RIN: 1904–AC54

DOE—EE

30. Energy Conservation Standards for Small, Large, and Very Large Commercial Package A/C and Heating Equipment

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 6313(a)(6)

CFR Citation: 10 CFR 431.

Legal Deadline: NPRM, Statutory, December 31, 2013, Either proposed rule or determination.

Abstract: The Energy Policy and Conservation Act of 1975, as amended, requires DOE to periodically review its standards for small, large, and very large commercial package air conditioners and heating equipment (which includes commercial unitary air conditioners and heat pumps—or CUACs). Under recent amendments to EPCA made by the American Efficient Manufacturing Technical Corrections Act of 2012 Pub. L. 112–210 (Dec. 18, 2012), DOE must review its standards for this equipment every six years and determine whether they need amending. It also requires that, for those equipment types for which more than six years have elapsed since the most recent final rules establishing or amending a standard for that equipment, DOE must publish a proposal to amend the applicable standard. More than six years has elapsed since the standards for this

equipment were last amended. After reviewing these standards and the available data, DOE has determined that amending the current energy conservation standards for this equipment would be technologically feasible and economically justified. Accordingly, DOE proposed amending the current standards for this equipment. On April 1, 2015, DOE published a notice announcing that a working group was created to potentially develop negotiated standards. 80 FR 17363.

Statement of Need: EPCA requires minimum energy efficiency standards for certain appliances and commercial equipment, including Small, Large, and Very Large Commercial Package A/C and Heating Equipment.

Summary of Legal Basis: Title III, Part B 1 of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94163 (42 U.S.C. 62916309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles. Pursuant to EPCA, any new or amended energy conservation standard that DOE prescribes for certain equipment, such as small, large, and very large air-cooled commercial package air conditioning and heating equipment (also known as commercial unitary air conditioners and heat pumps), shall be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)(II)). Furthermore, the new or amended standard must result in a significant conservation of energy. (42 U.S.C. 6313(a)(6)(A)(ii)(II)).

Alternatives: The statute requires DOE to conduct rulemakings to review and revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination, DOE conducts a thorough analysis of the alternative standard levels, including the existing standard, based on the criteria specified by the statute.

Anticipated Cost and Benefits: DOE finds that the benefits to the Nation of the proposed energy standards for Small, Large, and Very Large Commercial Package A/C and Heating Equipment (such as energy savings, consumer average lifecycle cost savings, an increase in national net present value, and emission reductions) outweigh the burdens (such as loss of industry net present value). DOE estimates that energy savings from electricity will be 11.7 quads over 30 years and the benefit to the Nation will be between $16.5 billion to $50.8 billion.

Risks:

Timetable:

Action	Date	FR Cite
Request for Information (RFI); Document Availability.	02/01/13	78 FR 7296
RFI Comment Period End.	03/04/13	
NPRM and Public Meeting.	09/09/14	79 FR 58948
NPRM Comment Period End.	12/01/14	
NPRM Comment Period Reopened.	12/03/14	79 FR 71710
NPRM Comment Period Reopened End.	12/22/14	
Notice of Public Meeting for Working Group.	05/07/15	80 FR 26199
Final Action	12/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL for More Information: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/59.

URL for Public Comments: www.regulations.gov/#!docketDetail;D=EERE-2013-BT-STD-0007.

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RIN: 1904–AC95

BILLING CODE 6450–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Statement of Regulatory Priorities for Fiscal Year 2016

As the federal agency with principal responsibility for protecting the health of all Americans and for providing essential human services, especially to those most vulnerable, the Department of Health and Human Services (HHS) implements programs that strengthen the health care system; advance scientific knowledge and innovation; and improve the health, safety, and well-being of the American people.

The Department's regulatory priorities for Fiscal Year 2016 reflect this complex mission through planned rulemakings structured to implement the Department's six arcs for implementation of its strategic plan: Leaving the Department Stronger; Keeping People Healthy and Safe; Reducing the Number of Uninsured and Providing Access to Affordable Quality Care; Leading in Science and Innovation; Delivering High Quality Care and Spending Our Health Care Dollars More Wisely; and, Ensuring the Building Blocks for Success at Every Stage of Life. This overview highlights forthcoming rulemakings exemplifying these priorities.

I. Leaving the Department Stronger

The Department's work to improve the efficiency and accountability includes its innovation agenda, program integrity and key human resources initiatives. In particular, the Department plans to issue a regulation revising administrative appeal procedures for Medicare claim appeals to increase efficiency in the Medicare claims review and appeals process. Additionally, consistent with the President's Executive Order 13563, ''Improving Regulation and Regulatory Review,'' the Department remains committed to reducing regulatory burden on States, health care providers and suppliers, and other regulated entities by updating current rules to align them with emerging health and safety standards, and by eliminating outdated procedural provisions. A full listing of HHS's retrospective review initiatives can be found at *http://www.hhs.gov/retrospectivereview.*

II. Keeping People Healthy and Safe

This HHS strategic priority encompasses the Department's work to enhance health, wellness and prevention; detect and respond to a potential disease outbreak or public health emergency; and prevent the spread of disease across borders. Since 1980, the prevalence of obesity among children and adolescents has almost tripled. Obesity has both immediate and long-term effects on the health and quality of life of those affected, increasing their risk for chronic diseases, including heart disease, type 2 diabetes, certain cancers, stroke, and arthritis—as well as increasing medical costs for the individual and the health system. Building on the momentum of

the First Lady's ''Let's Move'' initiative, HHS has mobilized skills and expertise from across the Department to address this epidemic with research, public education, and public health strategies. Other representative regulations include:

Labeling and Nutrition Information

The Food and Drug Administration (FDA) plans to issue two final rules designed to provide more useful, easy to understand dietary information tools that will help millions of American families identify healthy choices in the marketplace. These rules, each benefiting from input received in extended public comment periods, include:

▪ *Food Labeling—Nutrition Information:* FDA plans a rule, which, if finalized, revises the nutrition and supplement facts labels on packaged food, which has not been updated since 1993 (when mandatory nutrition labeling of food was first required). The aim of the proposed revision is to provide updated and easier to read nutrition information on the label to help consumers maintain healthy dietary practices; and

▪ *Food Labeling—Serving Sizes:* FDA plans a rule, which, if finalized, requires serving-size information provided within the food label, providing current nutrition information based on the amount of food that is typically eaten as a serving, to assist consumers in maintaining healthy dietary practices.

Food Safety

FDA will maintain HHS's ongoing effort to promulgate rules required under the Food Safety Modernization Act (FSMA), working with public and private partners to build a new system of food safety oversight. Recently, FDA finalized its preventive controls in the manufacture and distribution of human foods and of animal feeds. This additional suite of regulations, if finalized, constitutes the heart of the FSMA food safety program by instituting uniform practices for the manufacture and distribution of food products, to ensure that those products are safe for consumption and will not cause or spread disease, including, Sanitary Transportation of Human and Animal Food and Focused Mitigation Strategies to Protect Food Against Intentional Adulteration.

Preventing Death and Disease From Tobacco Use

In 2009, Congress enacted the Family Smoking Prevention and Tobacco Control Act, authorizing FDA to regulate the manufacture, marketing, and distribution of tobacco products, to protect the public health and to reduce tobacco use by minors. Over the next fiscal year, FDA's planned tobacco regulations include proposing requirements that govern the methods used in the pre-production design manufacture, packing, and storage of tobacco products, a proposed rule that would establish a process for the submission of applications for new tobacco products, and finalizing the regulation deeming other tobacco products that meet the statutory definition of ''tobacco product'' to also be subject to the FD&C Act. This final regulation, known as the ''deeming rule,'' is necessary to afford FDA the authority to regulate additional products which include hookah, electronic cigarettes, cigars, pipe tobacco, other novel tobacco products, and future tobacco products.

Addressing Substance Use Disorders and Opioid Misuse, Abuse, and Overdose Death Prevention

HHS plans to undertake a number of regulations designed to fight misuse and abuse of prescription opioids and heroin and encourage individuals to seek needed treatment for substance use disorders. These initiatives include an update to the regulation regarding confidentiality of substance abuse treatment records to align with advances in health information technology while maintaining appropriate patient privacy protections. HHS also will undertake an update of the current regulation around prescribing for buprenorphine to increase access to this Food and Drug Administration-approved, evidence-based treatment for opioid dependence and help more people get the treatment necessary for their recovery.

Drugs and Medical Devices

In 2012, Congress provided new authorities under the Food and Drug Administration Safety and Innovation Act to support its mission of safeguarding the quality of medical products available to the public while ensuring the availability of innovative products. FDA is implementing this new authority with a focus on protecting the quality of medical products in the global drug supply chain; improving the availability of needed drugs and devices; and promoting better-informed decisions by health professionals and patients. HHS is updating FDA's regulations to reflect the increased use of generic drugs in the current marketplace, and will describe approaches for brand name and generic drug manufacturers to update product labeling. This rule, if finalized, will revise and clarify procedures for updates to product labeling to reflect certain types of newly acquired safety information through submission of a ''changes being effected'' supplement.

III. Reducing the Number of Uninsured and Providing Access to Affordable Quality Care

The Affordable Care Act expands access to health insurance through improvements in Medicaid, the establishment of Affordable Insurance Exchanges, and coordination between Medicaid, the Children's Health Insurance Program, and the Exchanges. In implementing the Affordable Care Act over the next fiscal year, HHS will pursue regulations transforming the way our nation delivers care. This includes creating better ways to pay providers, incentivize quality of care and distribute information to build a health care system that is better, smarter and healthier with an engaged, educated, and empowered consumer at the center.

Streamlining Medicaid Eligibility Determinations

A forthcoming final rule will bring to completion regulatory provisions that support our efforts to assist States in implementing Medicaid eligibility determinations, appeals, enrollment changes, and other State health subsidy programs stemming from the Affordable Care Act. The intent of the rule is to afford each State substantial discretion in the design and operation of that State's exchange, with standardization provided only where directed by the Act, or where there are compelling practical, efficiency or consumer-protection reasons.

Parity for Mental Health Treatment

The Mental Health Parity and Addiction Equity Act (MHPAEA) requires parity between mental health or substance use disorder benefits and medical/surgical benefits, with respect to financial requirements and treatment limitations under group health plans. Finalization of this rule will implement MHPAEA by proposing standards for Medicaid alternative benefit plans, Medicaid managed care organizations, and the Children's Health Insurance Program.

Equitable and Non-Discriminatory Treatment

Finalization of the rule implementing the Affordable Care Act's Section 1557 nondiscrimination provisions will ensure access to affordable, quality health care for all Americans—regardless of race, color, national origin, sex, age and ability.

IV. Leading in Science and Innovation

HHS continues to expand on early successes of more precise approaches in a few areas of medicine with the Precision Medicine Initiative (PMI), and work on 21st Century Cures. In particular, HHS, in collaboration with the President's Office of Science and Technology Policy will finalize revisions to existing rules governing research on human subjects, often referred to as the Common Rule. This rule would apply to institutions and researchers supported by HHS as well as researchers throughout much of the federal government who are conducting research involving human subjects. The proposed revisions codified in the final rule will aim to better protect human subjects while facilitating research, and also reducing burden, delay, and ambiguity for investigators.

V. Delivering High Quality Care and Spending Our Health Care Dollars More Wisely

HHS continues work to build a health care delivery system that results in better care, smarter spending, and healthier people by finding better ways to pay providers, deliver care, and distribute information all while keeping the individual patient at the center. In the coming fiscal year, the department will complete a number of regulations to accomplish this strategic objective:

Medicare Payment Rules

Nine Medicare payment rules will be updated to better reflect the current state of medical practice and to respond to feedback from providers seeking financial predictability and flexibility to better serve patients.

Medicaid Managed Care

This final rule modernizes the Medicaid managed care regulations to reflect changes in the usage of managed care delivery systems. The rule aligns the rules governing Medicaid managed care with those of other major sources of coverage, including coverage through Qualified Health Plans and Medicare Advantage plans, implements statutory provision; strengthens actuarial soundness payment provisions to promote the accountability of Medicaid managed care program rates; ensures appropriate beneficiary protections and enhances expectations for program integrity. The rule also implements provisions of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) and addresses third party liability for trauma codes.

Improvements to Long-Term Care

This final rule would revise the requirements that long-term care facilities must meet to participate in the Medicare and Medicaid programs. The changes are necessary to reflect advances in the theory and practice of service delivery and safety for patients in long-term care settings. The rule is also an integral part of our efforts to achieve broad-based improvements both in the quality of health care furnished through federal programs, and in patient safety, while at the same time reducing procedural burdens on providers.

VI. Ensuring the Building Blocks for Success at Every Stage of Life

Over the coming year, the Department will continue its support at critical stages of people's lives, from infancy to old age, and topics including early learning, Alzheimer's and dementia. A forthcoming rule from the Administration for Children and Families (ACF) will provide the first comprehensive update of Child Care and Development Fund (CCDF) regulations since 1998. The CCDF is a federal program that provides formula grants to States, territories, and tribes. The program provides financial assistance to low-income families to access child care so that they can work or attend a job-training or educational program. It also provides funding to improve the quality of child care and increase the supply and availability of child care for all families, including those who receive no direct assistance through CCDF. Another ACF rule, when finalized, would modify existing Head Start performance standards to take into account increased knowledge in the early childhood field since the standards were last updated more than 15 years ago. Changes would strengthen requirements on curriculum and assessment, supervision, health and safety, and governance. The rule would also streamline existing regulations to eliminate unnecessary or duplicative requirements.

Both rules are part of the Department's retrospective review initiative and highlight HHS's commitment to protecting the public health and effective human services while pursuing smarter, more efficient regulation over the next fiscal year.

HHS—SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)

Proposed Rule Stage

31. • Increase Number of Patients to Which Drug Addiction Treatment Act (DATA)—Waived Physicians Can Prescribe Buprenorphine

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 21 U.S.C. 823(g)(2)

CFR Citation: 42 CFR 8.

Legal Deadline: None.

Abstract: This rule is needed to improve the national response to the rise in prescribed opioid misuse and heroin use and related morbidity and mortality by proposing an approach to increasing access to buprenorphine treatment while protecting against diversion. Medication assisted treatment (MAT) using buprenorphine, in combination with counseling and other support services, is one important tool for treating opioid addiction. To address this need and help close the gap in treatment services, SAMHSA would propose to address restrictions in the use of buprenorphine imposed by the Drug Addiction Treatment Act (DATA 2000).

Statement of Need: The Drug Addiction Treatment Act of 2000 (DATA) provided the means for physicians to obtain a waiver from the Controlled Substances Act in order to treat opioid use disorders with buprenorphine, an opioid partial opioid-agonist, without certification from SAMHSA as an Opioid Treatment Program (OTP). However, since the implementation of this act, the nation finds itself in the midst of a public health crisis of prescribed opioid misuse and heroin use and related morbidity and mortality. Every day in the United States 105 people die as a result of drug overdose and another 6,748 are treated in emergency departments for the misuse or abuse of drugs.

Responses to this public health problem include: Education of physicians in the appropriate management of pain and the role of opioid analgesics; implementation of effective prescription drug monitoring programs and other strategies to promote patient safety while reducing fraud and abuse; and promoting access to effective treatment for opioid use disorders. Medical and clinical evidence indicates medication-assisted treatment with pharmacotherapies approved for the treatment of substance use disorders are most effective for the treatment of opioid use disorders in particular. The medication-assisted treatment of opioid

use disorders reduces all-cause mortality and reduces the morbidity, social dysfunction and criminality often associated with this condition. However, access to effective treatment has always encountered significant concrete obstacles such as: Lack of awareness of substance use disorders, lack of coverage for needed services, and inadequate treatment capacity. To help close this gap, SAMHSA would like to address restrictions in the use of buprenorphine imposed by the Drug Addiction Treatment Act (DATA 2000).

Summary of Legal Basis: 21 U.S.C. 823(g)(2).

Alternatives: OTPs expansion of buprenorphine, use of naltrexone, expansion of methadone; dose limitations, formulation limitations.

Anticipated Cost and Benefits: As we move toward publication, estimates of the cost and benefits of these provisions will be included in the rule.

Risks: As we move toward publication, risks of these provisions will be included in the rule.

Timetable:

Action	Date	FR Cite
NPRM	04/00/16	
NPRM Comment Period End.	06/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State, Tribal.

Agency Contact: Brian Altman, Legislative Director, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Rockville, MD 02857, *Phone:* 240 276–2009, *Email: brian.altman@samhsa.gov*.

RIN: 0930–AA22

HHS—FOOD AND DRUG ADMINISTRATION (FDA)

Final Rule Stage

32. Food Labeling: Revision of the Nutrition and Supplement Facts Labels

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

CFR Citation: 21 CFR 101.9; 21 CFR 101.36.

Legal Deadline: None.

Abstract: FDA is amending the labeling regulations for conventional foods and dietary supplements to provide updated nutrition information on the label to assist consumers in maintaining healthy dietary practices. The rule would modernize the nutrition information found on the Nutrition Facts label, as well as the format and appearance of the label. On July 27, 2015, FDA issued a supplemental notice of proposed rulemaking accepting comments on limited additional provisions until October 13, 2015. Also on July 27, 2015, FDA reopened the comment period on the proposed rule as to specific documents until September 25, 2015.

Statement of Need: Almost all of the regulations for the nutrition labeling of foods and dietary supplements have not been amended since mandatory nutrition labeling was first required in 1993. New scientific evidence and consumer research has become available since 1993 that can be used to update the content and appearance of information on the Nutrition Facts and Supplement Facts labels. Consumers can use the updated information to select foods that will assist them to maintain healthy dietary practices.

Summary of Legal Basis: FDA's legal basis derives from sections 201, 403, and 701(a) of the Federal Food, Drug, and Cosmetic Act.

Alternatives: The Agency will consider different options for the amount of time that manufacturers have to come into compliance with the requirements of this regulation, when finalized, so that the economic burden to industry can be minimized.

Anticipated Cost and Benefits: This rule will affect all foods that are currently required to bear nutrition labeling. It will have a significant cost to industry because all food labels will have to be updated. Much of the information currently provided on the Nutrition Facts and Supplement Facts labels is based on old reference values and scientific information. The changes would provide more current information to assist consumers in constructing a healthful diet. The potential economic benefit from the final rule stems from the improvement in diet among the U.S. population. Diet is a significant factor in the reduction in risk of chronic diseases such as coronary heart disease, certain types of cancer, stroke, diabetes, and obesity.

Risks: If information on the Nutrition Facts and Supplement Facts label is not updated, reference values that serve as the basis for the percent daily value will continue to be based on old scientific evidence, and consumers could believe that they are consuming an appropriate amount of nutrients when, in fact, they are not. In addition, consumers would not be able to determine the amount of specific nutrients in a food product because mandatory declaration of those nutrients is not currently required. Furthermore, consumers may overlook information on the label because it is not displayed prominently on the label. Changes to the reference values, nutrients declared on the label, and changes to the format and appearance of the label would reduce the risk of consumers not having information necessary to assist them in maintaining healthy dietary practices.

Timetable:

Action	Date	FR Cite
ANPRM	07/11/03	68 FR 41507
ANPRM Comment Period End.	10/09/03	
Second ANPRM ..	04/04/05	70 FR 17008
Second ANPRM Comment Period End.	06/20/05	
Third ANPRM	11/02/07	72 FR 62149
Third ANPRM Comment Period End.	01/31/08	
NPRM	03/03/14	79 FR 11879
NPRM Comment Period End.	06/02/14	
Reopening of Comment Period as to Specific Documents.	07/27/15	80 FR 44302
NPRM Comment Period End as to Specific Documents.	09/25/15	
Supplemental NPRM to Solicit Comment on Limited Additional Provisions.	07/27/15	80 FR 44303
Supplemental NPRM to Solicit Comment on Limited Additional Provisions Comment Period End.	10/13/15	
Administrative Docket Update; Extension of Comment Period.	09/10/15	80 FR 54446
Administrative Docket Update; Comment Period End.	10/13/15	
NPRM Reopening of Comment Period for Certain Documents.	10/20/15	80 FR 63477
NPRM Reopening of Comment Period for Certain Documents Comment Period End.	10/23/15	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Federal, Local.

Federalism: This action may have federalism implications as defined in E.O. 13132.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Includes Retrospective Review under E.O. 13563.

Agency Contact: Blakeley Fitzpatrick, Interdisciplinary Scientist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–830), HFS–830, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–5429, *Email: nutritionprogramstaff@fda.hhs.gov*.

RIN: 0910–AF22

HHS—FDA

33. Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at one Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain RACCS

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371; Pub. L. 101–535, sec 2(b)(1)(A)

CFR Citation: 21 CFR 101.9; 21 CFR 101.12.

Legal Deadline: None.

Abstract: FDA is amending its labeling regulations for foods to provide updated Reference Amounts Customarily Consumed (RACCs) for certain food categories. This rule would provide consumers with nutrition information based on the amount of food that is customarily consumed, which would assist consumers in maintaining healthy dietary practices. In addition to updating certain RACCs, FDA is also amending the definition of single-serving containers; amending the label serving size for breath mints; and providing for dual-column labeling, which would provide nutrition information per serving and per container or unit, as applicable, under certain circumstances.

Statement of Need: The regulations for serving sizes for the nutrition labeling of foods have not been amended since mandatory nutrition labeling was first promulgated in 1993. New scientific evidence, consumption data, and consumer research has become available since 1993 that can be used to update the serving size information on Nutrition Facts labels to reflect the amount of food customarily consumed. This could allow consumers to use the serving size information more effectively by giving them information to help them select foods that will promote maintenance of healthy dietary practices.

Summary of Legal Basis: FDA's legal basis is derived from sections 201, 403 and 701(a) of the Federal Food, Drug and Cosmetic Act and section 2(b)(1) of the Nutrition Labeling and Education Act of 1990.

Alternatives: The Agency will consider different options for the amount of time that manufacturers have to come into compliance with the requirements of this regulation, so that the economic burden to industry can be minimized. The Agency also intends to publish this regulation simultaneously with other regulations requiring changes to Nutrition Fact labels to ease the economic burden on manufacturers.

Anticipated Cost and Benefits: This rule will affect most foods that are currently required to bear nutrition labeling. It will have a significant cost to industry because food labels on all affected foods will have to be updated. These changes would provide more current information to assist consumers in constructing a healthful diet.

Risks: If the RACCs are not updated, RACCs that serve as the basis for serving sizes will continue to be based on old consumption data. These updates to the RACCs will be based, in part, on current nationwide consumption data. Without these updates, consumers will not have current information to assist them in constructing a healthy diet.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/05	70 FR 17010
ANPRM Comment Period End.	06/20/05	
NPRM/Comment Period Extended.	03/03/14	79 FR 11989
NPRM Comment Period End.	06/02/14	
NPRM Comment Period Extended.	05/27/14	79 FR 29699
NPRM Comment Period End.	08/01/14	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, State.

Federalism: This action may have federalism implications as defined in E.O. 13132.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Cherisa Henderson, Nutritionist, Department of Health and Human Services, Food and Drug Administration, HFS–830, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–5429, *Fax:* 301 436–1191, *Email: nutritionprogramstaff@fda.hhs.gov*.

RIN: 0910–AF23

HHS—FDA

34. Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 350h; 21 U.S.C. 371; 42 U.S.C. 264; Pub. L. 111–353 (signed on January 4, 2011)

CFR Citation: 21 CFR 112.

Legal Deadline: Final, Judicial, October 31, 2015, To the Office of the Federal Register for publication.

Abstract: This rule will establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death. The purpose of the rule is to reduce the risk of illness associated with fresh produce.

Statement of Need: FDA is taking this action to meet the requirements of the Food Safety Moderhnization Act (FSMA) and to address the food safety challenges associated with fresh produce and, thereby, protect the public health. Data indicate that between 1973 and 1997, outbreaks of foodborne illness in the U.S. associated with fresh produce increased in absolute numbers and as a proportion of all reported foodborne illness outbreaks. The Agency issued general good agricultural practice guidelines for fresh fruits and vegetables over a decade ago.

Incorporating prevention-oriented public health principles, and incorporating what we have learned in the past decade into a regulation is a critical step in establishing standards for the production and harvesting of produce, and reducing the foodborne illness attributed to fresh produce.

Summary of Legal Basis: FDA is relying on the amendments to the Federal Food, Drug, and Cosmetic Act (the FD&C Act), provided by section 105 of the FSMA (codified primarily in section 419 of the FD&C Act (21 U.S.C. 350h)). FDA's legal basis also derives in part from sections 402(a)(3), 402(a)(4), and 701(a) of the FD&C Act (21 U.S.C. 342(a)(3), 342(a)(4), and 371(a)). FDA also intends to rely on section 361 of the Public Health Service Act (PHS Act) (42 U.S.C. 264), which gives FDA authority to promulgate regulations to control the spread of communicable disease.

Alternatives: Section 105 of the FSMA requires FDA to conduct this rulemaking.

Anticipated Cost and Benefits: FDA estimates that the costs to more than 300,000 domestic and foreign producers and packers of fresh produce from the proposal would include one-time costs (*e.g.,* new tools and equipment) and recurring costs (*e.g.,* monitoring, training, recordkeeping). FDA anticipates that the benefits would be a reduction in foodborne illness and deaths associated with fresh produce. The monetized annual benefits of this rule are estimated to be $1 billion, and the monetized annual costs are estimated to be $460 million, domestically.

Risks: This regulation would directly and materially advance the Federal Government's substantial interest in reducing the risks for illness and death associated with foodborne infections associated with the consumption of fresh produce. Less restrictive and less comprehensive approaches have not been sufficiently effective in reducing the problems addressed by this regulation. FDA anticipates that the regulation would lead to a significant decrease in foodborne illness associated with fresh produce consumed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/16/13	78 FR 3503
NPRM Comment Period End.	05/16/13	
NPRM Comment Period Extended.	04/26/13	78 FR 24692
NPRM Comment Period Extended End.	09/16/13	
NPRM Comment Period Extended.	08/09/13	78 FR 48637
NPRM Comment Period Extended End.	11/15/13	
Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Rule.	08/19/13	78 FR 50358
Notice of Intent To Prepare Environmental Impact Statement for the Proposed Rule Comment Period End.	11/15/13	
NPRM Comment Period Extended.	11/20/13	78 FR 69605
NPRM Comment Period Extended End.	11/22/13	
Environmental Impact Statement for the Proposed Rule; Comment Period Extended.	03/11/14	79 FR 13593
Environmental Impact Statement for the Proposed Rule; Comment Period Extended End.	04/18/14	
Supplemental NPRM.	09/29/14	79 FR 58433
Supplemental NPRM Comment Period End.	12/15/14	
Draft Environmental Impact Statement.	01/14/15	80 FR 1852
Draft Environmental Impact Statement Comment Period End.	03/13/15	
Final Rule	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Samir Assar, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1636, *Email: samir.assar@fda.hhs.gov*.

RIN: 0910–AG35

HHS—FDA

35. ''Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 301 *et seq.;* The Federal Food, Drug, and Cosmetic Act; Pub. L. 111–31; The Family Smoking Prevention and Tobacco Control Act

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) provides the Food and Drug Administration (FDA) authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Tobacco Control Act, permits FDA to issue regulations deeming other tobacco products to be subject to the FD&C Act. This rule would deem additional products meeting the statutory definition of ''tobacco product'' to be subject to the FD&C Act, and would specify additional restrictions.

Statement of Need: Currently, the Tobacco Control Act provides FDA with immediate authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The Tobacco Control Act also permits FDA to issue regulations deeming other tobacco products that meet the statutory definition of ''tobacco product'' to also be subject to the FD&C Act. This regulation is necessary to afford FDA the authority to regulate additional products which include hookah, electronic cigarettes, cigars, pipe tobacco, other novel tobacco products, and future tobacco products.

Summary of Legal Basis: Section 901 of the FD&C Act, as amended by the Tobacco Control Act, permits FDA to issue regulations deeming other tobacco products to be subject to the FD&C Act. Section 906(d) provides FDA with the authority to propose restrictions on the sale and distribution of tobacco products, including restrictions on the access to, and the advertising and promotion of, tobacco products if FDA determines that such regulation would

be appropriate for the protection of the public health.

Alternatives: In addition to the benefits and costs of both options for the proposed rule, FDA assessed the benefits and costs of several alternatives to the proposed rule: *e.g.,* deeming only, but exempt newly deemed products from certain requirements; exempt certain classes of products from certain requirements; deeming only, with no additional provisions; and changes to the compliance periods.

Anticipated Cost and Benefits: The proposed rule consists of two co-proposals, option 1 and option 2. The proposed option 1 deems all products meeting the statutory definition of ''tobacco product'' except accessories of a proposed deemed tobacco product to be subject to chapter IX of the FD&C Act. Option 1 also proposes additional provisions that would apply to proposed deemed products as well as to certain other tobacco products. Option 2 is the same as option 1 except that it exempts premium cigars. We expect that asserting our authority over these tobacco products will enable us to take further regulatory action in the future as appropriate; those actions will have their own costs and benefits. The proposed rule would generate some direct benefits by providing information to consumers about the risks and characteristics of tobacco products which may result in consumers reducing their use of cigars and other tobacco products. Other potential benefits follow from premarket requirements which could prevent more harmful products from appearing on the market and worsening the health effects of tobacco product use. The proposed rule would impose costs in the form of registration submission labeling and other requirements; other likely costs are not quantifiable based on current data.

Risks: Adolescence is the peak time for tobacco use initiation and experimentation. In recent years, new and emerging tobacco products, sometimes referred to as ''novel tobacco products,'' have been developed and are becoming an increasing concern to public health due, in part, to their appeal to youth and young adults. Non-regulated tobacco products come in many forms, including electronic cigarettes, nicotine gels, and certain dissolvable tobacco products (*i.e.,* those dissolvable products that do not currently meet the definition of smokeless tobacco under 21 U.S.C. 387(18) because they do not contain cut, ground, powdered, or leaf tobacco, and instead contain nicotine extracted from tobacco), and these products are widely available. This deeming rule is necessary to provide FDA with authority to regulate these products (*e.g.,* registration, product and ingredient listing, user fees for certain products, premarket requirements, and adulteration and misbranding provisions). In addition, the additonal restrictions that FDA seeks to promulgate for the proposed deemed products will protect youth by restricting minors' access to these products and will increase consumer understanding of the impact of these products on public health. This rule is consistent with other approaches that the Agency has taken to address the tobacco epidemic and is particularly necessary, given that consumer use may be gravitating to the proposed deemed products.

Timetable:

Action	Date	FR Cite
NPRM	04/25/14	79 FR 23142
NPRM Comment Period End.	07/09/14	
NPRM Comment Period Extended.	06/24/14	79 FR 35711
NPRM Comment Period End.	08/08/14	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Gerie Voss, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AG38

HHS—FDA

36. Reports of Distribution and Sales Information for Antimicrobial Active Ingredients Used in Food-Producing Animals

Priority: Other Significant.

Legal Authority: 21 U.S.C. 360b(l); 21 U.S.C. 371

CFR Citation: 21 CFR 514.80.

Legal Deadline: None.

Abstract: This final rule would require that the sponsor of each approved or conditionally approved antimicrobial new animal drug product submit an annual report to the Food and Drug Administration (FDA or Agency) on the amount of each antimicrobial active ingredient in the drug product that is sold or distributed for use in food-producing animals, including any distributor-labeled product. In addition to codifying these requirements, FDA is exploring other requirements for the collection of additional drug distribution data.

Statement of Need: Section 105 of the Animal Drug User Fee Amendments of 2008 (ADUFA) amended section 512 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) to require that the sponsor of each approved or conditionally appoved new animal drug product that contains an antimicrobial active ingredient submit an annual report to FDA on the amount of each antimicrobial active ingredient in the drug product that is sold or distributed for use in food-producing animals, including information on any distributor-labeled product. This legislation was enacted to assist FDA in its continuing analysis of the interactions (including drug resistance), efficacy, and safety of antibiotics approved for use in both humans and food-producing animals (H. Rpt. 110–804). This rulemaking is to codify these requirements. In addition, FDA is exploring the establishment of other reporting requirements to provide for the collection of additional drug distribution data, including reporting sales and distribution data by species.

Summary of Legal Basis: Section 105 of ADUFA (Pub. L. 110–316; 122 Stat. 3509) amended section 512 of the FD&C Act (21 U.S.C. 360b) to require that sponsors of approved or conditionally approved applications for new animal drugs containing an antimicrobial active ingredient submit an annual report to the Food and Drug Administration on the amount of each such ingredient in the drug that is sold or distributed for use in food-producing animals, including information on any distributor-labeled product. FDA is also issuing this rule under its authority under section 512(l) of the FD&C Act to collect information relating to approved new animal drugs.

Alternatives: This rulemaking codifies the congressional mandate of ADUFA section 105. The annual reporting required under ADUFA section 105 is necessary to address potential problems concerning the safety and effectiveness of antimicrobial new animal drugs. Less

frequent data collection would hinder this purpose.

Anticipated Cost and Benefits: Sponsors of antimicrobial drugs sold for use in food-producing animals currently report sales and distribution data to the Agency under section 105 of ADUFA; this rulemaking will codify in FDA's regulations a current statutory requirement. There may be a minimal additional labor cost if any other reporting requirement is included. Additional data beyond the reporting requirements specified in ADUFA section 105 will help the Agency better understand how the use of medically important antimicrobial drugs in food-producing animals may relate to antimicrobial resistance.

Risks: Section 105 of ADUFA was enacted to address the problem of antimicrobial resistance, and to help ensure that FDA has the necessary information to examine safety concerns related to the use of antibiotics in food-producing animals. 154 Congressional Record H7534.

Timetable:

Action	Date	FR Cite
ANPRM	07/27/12	77 FR 44177
ANPRM Comment Period End.	09/25/12	
ANPRM Comment Period Extended.	09/26/12	77 FR 59156
ANPRM Comment Period End.	11/26/12	
Final Rule	05/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Sujaya Dessai, Supervisory Veterinary Medical Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, Room 2620, HFV–212, 7519 Standish Place, Rockville, MD 20855, *Phone:* 240 402–5761, *Email: sujaya.dessai@fda.hhs.gov*.

RIN: 0910–AG45

HHS—FDA

37. Focused Mitigation Strategies to Protect Food Against Intentional Adulteration

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 350g; 21 U.S.C. 350i; 21 U.S.C. 371; 21 U.S.C. 374; Pub. L. 111–353

CFR Citation: 21 CFR 121.

Legal Deadline: Final, Judicial, May 31, 2016, To the Office of the Federal Register for publication.

Abstract: This rule would require domestic and foreign food facilities that are required to register under the Federal Food, Drug, and Cosmetic Act to address hazards that may be intentionally introduced by acts of terrorism. These food facilities would be required to identify and implement focused mitigation strategies to significantly minimize or prevent significant vulnerabilities identified at actionable process steps in a food operation.

Statement of Need: FDA is taking this action to meet the requirements of the FSMA and to protect food from intentional adulteration when the intent is to cause large-scale public harm.

Summary of Legal Basis: FDA's authority for issuing this rule is provided by the Federal Food, Drug, and Cosmetic Act (the FD&C Act) as amended by sections 103, 105, and 106 of the Food Safety Modernization Act (FSMA). Section 418 of the FD&C Act addresses intentional adulteration in the context of facilities that manufacture, process, pack, or hold food and are required to register under section 415 of the FD&C Act (21 U.S.C. 350g). Section 419 of the FD&C Act (21 U.S.C. 350h) addresses intentional adulteration in the context of fruits and vegetables that are raw agricultural commodities. Section 420 of the FD&C Act (21 U.S.C. 350i) addresses intentional adulteration in the context of high risk foods and exempts farms except for farms that produce milk. FDA is implementing the intentional adulteration provisions in sections 418, 419, and 420 of the FD&C Act in this rulemaking.

Alternatives: Section 103, 105 and 106 of the FDA, Food Safety Modernization Act require FDA to conduct this rulemaking.

Anticipated Cost and Benefits: FDA estimates that the costs from the proposal to domestic and foreign producers and packers of processed foods would include new one-time costs (*e.g.,* adoption of written food defense plans, setting up training programs, etc.) and recurring costs (*e.g.,* training employees, and completing and maintaining records used throughout the facility). FDA anticipates that the benefits would be a reduction in the possibility of illness, death, and economic disruption resulting from intentional adulteration of food.

Risks: This regulation will directly and materially advance the Federal Government's substantial interest in reducing the risk for illness and death associated with intentional adulteration of food.

Timetable:

Action	Date	FR Cite
NPRM	12/24/13	78 FR 78014
NPRM Comment Period Extended.	03/25/14	79 FR 16251
NPRM Comment Period End.	03/31/14	
NPRM Comment Period Extended End.	06/30/14	
Final Rule	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Jody Menikheim, Supervisory General Health Scientist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–005), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1864, *Fax:* 301 436–2633, *Email: fooddefense@fda.hhs.gov*.

RIN: 0910–AG63

HHS—FDA

38. Foreign Supplier Verification Program

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 384a; title III, sec 301 of FDA Food Safety Modernization Act; Pub. L. 111–353, establishing sec 805 of the Federal Food, Drug, and Cosmetic Act (FD&C Act)

CFR Citation: Not Yet Determined.

Legal Deadline: Final, Judicial, October 31, 2015, To the Office of the Federal Register for publication.

Abstract: This rule describes what a food importer must do to verify that its foreign suppliers produce food that is as safe as food produced in the United States. FDA is taking this action to improve the safety of food that is imported into the United States.

Statement of Need: The rule is needed to help improve the safety of food that is imported into the United States.

Imported food products have increased dramatically over the last several decades. Data indicate that about 15 percent of the U.S. food supply is imported. FSMA provides the Agency with additional tools and authorities to help ensure that imported foods are safe for U.S. consumers. Included among these tools and authorities is a requirement that importers perform risk-based foreign supplier verification activities to verify that the food they import is produced in compliance with U.S. requirements, as applicable, and is not adulterated or misbranded. This proposed rule on the content of foreign supplier verification programs (FSVPs) sets forth the proposed steps that food importers would be required to take to fulfill their responsibility to help ensure the safety of the food they bring into this country.

Summary of Legal Basis: Section 805(c) of the FD&C Act (21 U.S.C. 384a(c)) directs FDA, not later than one year after the date of enactment of FSMA, to issue regulations on the content of FSVPs. Section 805(c)(4) states that verification activities under such programs may include monitoring records for shipments, lot-by-lot certification of compliance, annual onsite inspections, checking the hazard analysis and risk-based preventive control plans of foreign suppliers, and periodically testing and sampling shipments of imported products. Section 301(b) of FSMA amends section 301 of the FD&C Act (21 U.S.C. 331) by adding section 301(zz), which designates as a prohibited act the importation or offering for importation of a food if the importer (as defined in section 805) does not have in place an FSVP in compliance with section 805. In addition, section 301(c) of FSMA amends section 801(a) of the FD&C Act (21 U.S.C. 381(a)) by stating that an article of food being imported or offered for import into the United States shall be refused admission if it appears, from an examination of a sample of such an article or otherwise, that the importer is in violation of section 805.

Alternatives: We are considering a range of alternative approaches to the requirements for foreign supplier verification activities. These might include: (1) Establishing a general requirement that importers determine and conduct whatever verification activity would adequately address the risks associated with the foods they import; (2) allowing importers to choose from a list of possible verification mechanisms, such as the activities listed in section 805(c)(4) of the FD&C Act; (3) requiring importers to conduct particular verification activities for certain types of foods or risks (*e.g.,* for high-risk foods), but allowing flexibility in verification activities for other types of foods or risks; and (4) specifying use of a particular verification activity for each particular kind of food or risk. To the extent possible while still ensuring that verification activities are adequate to ensure that foreign suppliers are producing food in accordance with applicable U.S. requirements, we will seek to give importers the flexibility to choose verification procedures that are appropriate to adequately address the risks associated with the importation of a particular food.

Anticipated Cost and Benefits: We are still estimating the cost and benefits for this rule. However, the available information suggests that the costs will be significant. Our preliminary analysis of FY10 OASIS data suggests that this rule will cover about 60,000 importers, 240,000 unique combinations of importers and foreign suppliers, and 540,000 unique combinations of importers, products, and foreign suppliers. These numbers imply that provisions that require activity for each importer, each unique combination of importer and foreign supplier, or each unique combination of importer, product, and foreign supplier will generate significant costs. An example of a provision linked to combinations of importers and foreign suppliers would be a requirement to conduct a verification activity, such as an onsite audit, under certain conditions. The cost of onsite audits will depend, in part, on whether foreign suppliers can provide the same onsite audit results to different importers, or whether every importer will need to take some action with respect to each of their foreign suppliers. The benefits of this rule will consist of the reduction of adverse health events linked to imported food that could result from increased compliance with applicable requirements, and are accounted for in the proposed rules that contain those requirements.

Risks: As stated above, about 15 percent of the U.S. food supply is imported, and many of these imported foods are high-risk commodities. According to recent data from the Centers for Disease Control and Prevention, each year, about 48 million Americans get sick, 128,000 are hospitalized, and 3,000 die from foodborne diseases. We expect that the adoption of FSVPs by food importers will benefit the public health by helping to ensure that imported food is produced in compliance with other applicable food safety regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/29/13	78 FR 45729
NPRM Comment Period End.	11/26/13	
NPRM Comment Period Extended.	11/20/13	78 FR 69602
NPRM Comment Period Extended End.	01/27/14	
Supplemental NPRM.	09/29/14	79 FR 58573
Supplemental NPRM Comment Period End.	12/15/14	
Final Rule	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Brian L. Pendleton, Senior Policy Advisor, Department of Health and Human Services, Food and Drug Administration, Office of Policy, WO 32, Room 4245, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–4614, *Fax:* 301 847–8616, *Email: brian.pendleton@fda.hhs.gov*.

RIN: 0910–AG64

HHS—FDA

39. Accreditation of Third-Party Auditors/Certification Bodies to Conduct Food Safety Audits and to Issue Certifications

Priority: Other Significant.

Legal Authority: 21 U.S.C. 384d; Pub. L. 111–353; sec 307 FDA Food Safety Modernization Act; 21 U.S.C. 371; 21 U.S.C. 381; 21 U.S.C. 384b; . . .

CFR Citation: 21 CFR 1.

Legal Deadline: Final, Judicial, October 31, 2015, To the Office of the Federal Register for publication.

Abstract: This rule establishes regulations for accreditation of third-party auditors to conduct food safety audits. FDA is taking this action to improve the safety of food that is imported into the United States.

Statement of Need: The use of accredited third-party auditors to certify food imports will assist in ensuring the safety of food from foreign origin entering U.S. commerce. Accredited third-party auditors auditing foreign facilities can increase FDA's information about foreign facilities that FDA may not have adequate resources

to inspect in a particular year. FDA will establish identified standards creating overall uniformity to complete the task. Audits that result in issuance of facility or food certification will provide FDA information about the compliance status of the facility. Additionally, auditors will be required to submit audit reports that may be reviewed by FDA for purposes of compliance assessment and work planning.

Summary of Legal Basis: Section 808 of the FD&C Act directs FDA to establish, not later than two years after the date of enactment, a system for the recognition of accreditation bodies that accredit third-party auditors, who, in turn, certify that eligible entities are in compliance with the provisions of the FD&C Act. If within two years after the date of the establishment of the system, FDA has not identified and recognized an accreditation body, FDA may directly accredit third party auditors.

Alternatives: FSMA described in detail the framework for, and requirements of, the accredited third-party auditor program. Alternatives include the degree to which the standards in the requirements are prescriptive or flexible.

Anticipated Cost and Benefits: The benefits of the proposed rule would be less unsafe or misbranded food entering U.S. commerce. Additional benefits include the increased flow of credible information to FDA regarding the compliance status of foreign firms and their foods that are ultimately offered for import into the United States, which information, in turn, would inform FDA's work planning for inspection of foreign food facilities and might result in a signal of possible problems with a particular firm or its products, and with sufficient signals, might raise questions about the rigor of the food safety regulatory system of the country of origin. The compliance costs of the proposed rule would result from the additional labor and capital required of accreditation bodies seeking FDA recognition and of third-party auditors seeking accreditation to the extent that will involve the assembling of information for an application unique to the FDA third-party auditor program, as well as assembling renewal applications and required reports and notifications. The compliance costs associated with certification will be accounted for separately under the costs associated with participation in the Voluntary Qualified Importer Program. The third-party program is funded through revenue neutral-user fees, which will be developed by FDA through rulemaking.

Risks: FDA is proposing this rule to provide greater assurance that the food offered for import into the United States is safe and will not cause injury or illness to animals or humans. The rule would implement a program for accrediting third-party auditors to conduct food safety audits of foreign food entities, including registered foreign food facilities, and based on the findings of the regulatory audit, to issue food or facility certifications. The certifications could be used by importers seeking to participate in the Voluntary Qualified Importer Program for expedited review and entry of product, and would be a means to provide assurance of compliance with the FD&C Act as a food risk-related consideration. The food certifications could be used when FDA makes decisions regarding the importation of foods with safety risks. The rule would apply to any foreign or domestic accreditation body seeking FDA recognition, any foreign or domestic third-party auditor seeking accreditation, any foreign food entity, that chooses to be audited by an accredited third party auditor and any importer seeking to participate in the Voluntary Qualified Importer Program. Fewer instances of unsafe or misbranded food entering U.S. commerce would reduce the risk of serious illness and death to humans and animals.

Timetable:

Action	Date	FR Cite
NPRM	07/29/13	78 FR 45781
NPRM Comment Period End.	11/26/13	
NPRM Comment Period Extended.	11/20/13	78 FR 69603
NPRM Comment Period Extended End.	01/27/14	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Charlotte A. Christin, Acting Director, Division of Enforcement, Office of Compliance, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, 5100 Paint Branch Parkway, Room 2C019, College Park, MD 20740, *Phone:* 240 402–3708, *Email: charlotte.christin@fda.hhs.gov.*

RIN: 0910–AG66

HHS—FDA

40. Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products

Priority: Other Significant.

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 371; 42 U.S.C. 262; . . .

CFR Citation: 21 CFR 314.70; 21 CFR 314.97; 21 CFR 314.150; 21 CFR 601.12.

Legal Deadline: None.

Abstract: This rule would amend the regulations regarding new drug applications (NDAs), abbreviated new drug applications (ANDAs), and biologics license applications (BLAs) to revise and clarify procedures for changes to the labeling of an approved drug to reflect certain types of newly acquired information in advance of FDA's review of such change.

Statement of Need: In the current marketplace, approximately 80 percent of drugs dispensed are generic drugs approved in ANDAs. ANDA holders, like NDA holders and BLA holders, are required to promptly review all adverse drug experience information obtained or otherwise received, and comply with applicable reporting and recordkeeping requirements. However, under current FDA regulations, ANDA holders are not permitted to use the changes being effected (CBE) supplement process in the same manner as NDA holders and BLA holders to independently update product labeling with certain newly acquired safety information. This regulatory difference recently has been determined to mean that an individual can bring a product liability action for ''failure to warn'' against an NDA holder, but generally not an ANDA holder. This may alter the incentives for generic drug manufacturers to comply with current requirements to conduct robust postmarketing surveillance, evaluation, and reporting, and to ensure that their product labeling is accurate and up-to-date. Accordingly, there is a need for ANDA holders to be able to independently update product labeling to reflect certain newly acquired safety information as part of the ANDA holder's independent responsibility to ensure that its product labeling is accurate and up-to-date.

Summary of Legal Basis: The Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*) and the Public Health Service Act (42 U.S.C. 201 *et seq.*) provide FDA with authority over the labeling for drugs and biological products, and authorize the Agency to enact regulations to facilitate FDA's review and approval of applications regarding

the labeling for those products. FDA's authority to extend the CBE supplement process for certain safety-related labeling changes to ANDA holders arises from the same authority under which FDA's regulations relating to NDA holders and BLA holders were issued.

Alternatives: FDA is considering several alternatives described in comments submitted to the public docket established for the proposed rule.

Anticipated Cost and Benefits: FDA is reviewing comments submitted to the public docket and evaluating the anticipated costs and benefits that would be associated with a final rule.

Risks: This rule is intended to remove obstacles to the prompt communication of safety-related labeling changes that meet the regulatory criteria for a CBE supplement. The rule may encourage generic drug companies to participate more actively with FDA in ensuring the timeliness, accuracy, and completeness of drug safety labeling in accordance with current regulatory requirements. FDA's posting of information on its Web site regarding the safety-related labeling changes proposed in pending CBE supplements would enhance transparency, and facilitate access by health care providers and the public so that such information may be used to inform treatment decisions.

Timetable:

Action	Date	FR Cite
NPRM	11/13/13	78 FR 67985
NPRM Comment Period Extended.	12/27/13	78 FR 78796
NPRM Comment Period End.	01/13/14	
NPRM Comment Period Extended End.	03/13/14	
NPRM Comment Period Reopened.	02/18/15	80 FR 8577
NPRM Comment Period Reopened End.	04/27/15	
Final Rule	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Agency Contact: Janice L. Weiner, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 6268, Silver Spring, MD 20993–0002, *Phone:* 301 796–3601, *Fax:* 301 847–8440, *Email: janice.weiner@fda.hhs.gov*.

RIN: 0910–AG94

HHS—FDA

41. Sanitary Transportation of Human and Animal Food

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 21 U.S.C. 350e; 21 U.S.C. 373; 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 371; . . .

CFR Citation: 21 CFR 1.

Legal Deadline: Final, Judicial, March 31, 2016, To the Office of the Federal Register for publication.

Abstract: This rule would establish requirements for parties including shippers, carriers by motor vehicle or rail vehicle, and receivers engaged in the transportation of food, including food for animals, to use sanitary transportation practices to ensure that food is not transported under conditions that may render the food adulterated.

Statement of Need: There have been concerns over the past few decades about the need to ensure that food is transported in the United States in a sanitary manner. Congress responded to these concerns by passing the Sanitary Food Transportation Act of 1990 (1990 SFTA) which directed the Department of Transportation (DOT) to establish regulations to prevent food or food additives transported in certain types of bulk vehicles from being contaminated by nonfood products that were simultaneously or previously transported in those vehicles. Following the passage of the 1990 SFTA it became clear that potential sources of food contamination during transport were not just limited to nonfood products. Most notably, a 1994 outbreak of salmonellosis occurred in which ice cream mix became contaminated during transport in tanker trucks that had previously hauled raw liquid eggs. That outbreak affected an estimated 224,000 persons nationwide. In 2005, Congress reallocated authority for food transportation safety to the Food and Drug Administration, Department of Transportation and the United States Department of Agriculture by passing the 2005 Sanitary Food Transportation Act (2005 SFTA), a broader food transportation safety law than the 1990 SFTA in that its focus was not limited only to preventing food contamination from nonfood sources during transportation. The 2005 SFTA amended the Food, Drug, and Cosmetic Act (the FD&C Act), in part, by creating a new section, 416 of the FD&C Act (21 U.S.C. 350e). Section 416(b) of the FD&C Act directed us to issue regulations to require shippers, carriers by motor vehicle or rail vehicle, receivers, and other persons engaged in the transportation of food to use prescribed sanitary transportation practices to ensure that food is not transported under conditions that may render the food adulterated. In addition, section 111(a) of Food Safety Modernization Act (FSMA), directed us to issue these sanitary transportation regulations not later than 18 months after the date of enactment of FSMA. This action is part of FDA's larger effort to focus on prevention of food safety problems throughout the food chain.

Summary of Legal Basis: FDA's authority for issuing this rule is provided in the Sanitary Food Transportation Act (Pub. L. 109–59) which amended the FD&C Act by establishing section 416 which directed FDA to issue regulations to require shippers, carriers by motor vehicle or rail vehicle, receivers, and other persons engaged in the transportation of food to use prescribed sanitary transportation practices to ensure that food is not transported under conditions that may render the food adulterated. FDA is also issuing this rule under section 111(a) of the Food Safety Modernization Act (Pub. L. 111–353), which directed FDA to promulgate these sanitary transportation regulations. In addition, section 701(a) of the FD&C Act (21 U.S.C. 371(a)) authorizes the Agency to issue regulations for the efficient enforcement of the Act.

Alternatives: FSMA requires FDA to promulgate regulations to establish sanitary transportation practices under the authority of the 2005 SFTA.

Anticipated Cost and Benefits: Because no complete data exist to precisely quantify the likelihood of food becoming adulterated during its transport, we are unable to estimate the effectiveness of the requirements of the proposed rule to reduce potential adverse health effects in humans or animals. Furthermore, while we expect small changes in behavior (in the form of safer practices), we do not anticipate large scale changes in practices as a result of the requirements of this proposed rule. Nevertheless, improving food transportation systems could reduce the number of recalls, reduce the risk of adverse health effects related to such contaminated human and animal food and feed, and reduce the losses of contaminated human and animal food and feed ingredients and products. The

compliance costs of the proposed rule would result from the additional labor and capital required to carry out sanitary transportation practices during transportation operations and the costs to train personnel and keep the required records.

Risks: FDA is proposing this rule to establish sanitary transportation practices to provide greater assurance that food will not become adulterated during transportation and will not cause illness or injury to humans or animals. The rule would apply to food transported in the United States by motor vehicle or rail vehicle.

Timetable:

Action	Date	FR Cite
ANPRM	04/30/10	75 FR 22713
ANPRM Comment Period End.	08/30/10	
NPRM	02/05/14	79 FR 7005
NPRM Comment Period Extended.	05/23/14	79 FR 29699
NPRM Comment Period End.	05/31/14	
NPRM Comment Period Extended End.	07/30/14	
Final Rule	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: State.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Agency Contact: Michael E. Kashtock, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–2022, *Fax:* 301 346–2632, *Email: michael.kashtock@fda.hhs.gov.*

RIN: 0910–AG98

HHS—CENTERS FOR MEDICARE & MEDICAID SERVICES (CMS)

Proposed Rule Stage

42. Programs of All-Inclusive Care for the Elderly (PACE) Update (CMS–4168–P)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395; 42 U.S.C. 1395eee(f); 42 U.S.C. 1396u–4(f)

CFR Citation: 42 CFR 460.

Legal Deadline: None.

Abstract: This proposed rule would update the PACE regulations published on December 8, 2006. The rule would improve the quality of the existing regulations, provide operational flexibility and modifications, and remove redundancies and outdated information. These updates are intended to ensure the health and safety of PACE participants.

Statement of Need: We are proposing to revise and update policies to reflect subsequent changes in the practice of caring for PACE participants and changes in technology based on our experience implementing and overseeing the PACE program. PACE has proven successful in keeping frail elderly individuals, some of whom are eligible for both Medicare and Medicaid benefits (dual eligibles), in the community. However, we believe that we should revise certain regulatory provisions to afford more flexibility as a means to encourage the expansion of the PACE program to more states, increasing access for participants, and further enhancing the program's effectiveness at providing care while reducing costs.

Summary of Legal Basis: Sections 1894(f)(2) and 1934(f)(2) of the Act state that the Secretary shall incorporate the requirements applied to PACE demonstration waiver programs under the PACE Protocol when issuing interim final or final regulations, to the extent consistent with the provisions of sections 1894 and 1934 of the Act, but allow the Secretary to modify or waive these provisions under certain circumstances. Sections 1894(a)(6) and 1934(a)(6) of the Act define the PACE Protocol as the Protocol for PACE as published by On Lok, Inc., as of April 14, 1995, or any successor protocol that may be agreed upon between the Secretary and On Lok, Inc. We issued the 1999 and 2002 interim final rules and the 2006 final rule under this authority.

Alternatives: The requirements for the PACE program have not been comprehensively updated in many years, but the effective and efficient delivery of health care services has changed substantially in that time. We could choose not to make any regulatory changes; however, we believe the changes we are proposing are necessary to ensure the requirements are consistent with current standards of practice and continue to meet statutory obligations. They will ensure that participants receive care that maintains or enhances quality of life and enable them to remain in the community.

Anticipated Cost and Benefits: As we move toward publication, estimates of the cost and benefits of these provisions will be included in the rule.

Risks: None. The proposals in this rule would update the existing requirements to reflect current standards of practice. In addition, proposed changes would provide added flexibility to providers, improve efficiency and effectiveness, and enhance participant quality of care and life.

Timetable:

Action	Date	FR Cite
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Organizations.

Government Levels Affected: Federal, State.

Additional Information: Includes Retrospective Review under E.O. 13563.

Agency Contact: Martha Hennessy, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Centers for Medicare, MS: C4–21–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–0575, *Email: martha.hennessy@cms.hhs.gov.*

RIN: 0938–AR60

HHS—CMS

43. • Expansion of the CMS Qualified Entity Program (CMS–5061–P)

Priority: Other Significant.

Legal Authority: Pub. L. 114–10, sec 105

CFR Citation: 42 CFR 401.

Legal Deadline: Final, Statutory, July 1, 2016, MACRA requires rule be effective by July 1, 2016.

Abstract: Under the Medicare Access and CHIP Reauthorization Act (MACRA), this proposed rule would implement statutory requirements that expand the permissible uses of Medicare claims data that is obtained by qualified entities in accordance with applicable information, privacy, security and disclosure laws. In doing so, this rule would explain how qualified entities may create non-public analyses and provide or sell such analyses to authorized users, as well as how qualified entities may provide or sell combined data, or provide Medicare claims data alone at no cost, to certain authorized users. This rule would also implement certain privacy and security requirements and impose assessments on qualified entities in the case of a violation of a data use agreement.

Statement of Need: The Qualified Entity Program, established by Section 10332 of the Affordable Care Act,

authorizes the disclosure of Medicare claims data to qualified entities for use in public provider performance reporting. New legislation in MACRA expands the use of Medicare data by qualified entities to include additional analyses and access to certain data. Effective July 1, 2016, qualified entities may use the combined Medicare and other claims data to conduct non-public analyses and provide or sell these analyses to select users for non-public use. In addition, qualified entities may sell the combined data or provide the Medicare data at no cost to providers, suppliers, hospital associations, and medical societies for non-public use. While qualified entities are allowed to use the CMS data for other purposes than public reporting, the legislation also includes an assessment on the qualified entity for a breach of a data use agreement and new requirements for annual reporting by the qualified entities. These changes to the qualified entity program are important in driving higher quality, lower cost care in Medicare and the health system in general. Additionally, these changes are expected to drive renewed interest in the qualified entity program, leading to more transparency of provider and supplier performance while ensuring beneficiary privacy.

Summary of Legal Basis: Section 105 of MACRA requires proposed and final rules to be published and effective by July 1, 2016. This legislation expands both the uses of Medicare data by Qualified Entities as well as the data made available to them.

Alternatives: None. This is a statutory requirement.

Anticipated Cost and Benefits: As we move toward publication, estimates of the cost and benefits of these provisions will be included in the rule.

Risks: The rule would require qualified entities to provide sufficient evidence of data privacy and security protection capabilities in order to avoid increased risks related to the protection of beneficiary identifiable data.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

Agency Contact: Allison Oelschlaeger, Special Assistant, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Office of Enterprise Data and Analytics, MS: 339D, 7500 Security Blvd., Baltimore, MD 21244, *Phone:* 202 690–8257, *Email: allison.oelschlaeger@cms.hhs.gov.*

RIN: 0938–AS66

HHS—CMS

44. • Merit–Based Incentive Payment System (MIPS) and Alternative Payment Models (APMS) in Medicare Fee-for-Service (CMS–5517–P) (Section 610 Review)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: Pub. L. 114–10, sec 101

CFR Citation: Not Yet Determined.

Legal Deadline: Final, Statutory, November 1, 2016, MACRA deadline for establishing physician–focused payment model criteria. Final, Statutory, January 1, 2017, MACRA deadline for requirements and policies for MIPS.

Abstract: This proposed rule would implement provisions of the Medicare Access and CHIP Reauthorization Act (MACRA) related to MIPS and APMs. Section 101 of MACRA authorizes a new MIPS, which repeals the Medicare sustainable growth rate and improves Medicare payments for physician services. MACRA consolidates the current programs of the Physician Quality Reporting System, the Value-Based Modifier, and the Electronic Health Records Incentive Program into one program, MIPS, that streamlines and improves on the three distinct incentive programs. Additionally, MACRA authorizes incentive payments for providers who participate in eligible APMs.

Statement of Need: Under MACRA, payment adjustments to eligible professional (EP) payments through MIPS and incentive payments for qualifying APM participants will be applied beginning January 1, 2019. EPs under MIPS will be assessed a payment adjustment using four performance categories: quality, resource use, clinical practice improvement activities, and meaningful use of certified electronic health record (EHR) technology. Qualifying APM participants must have a specified amount of their Medicare expenditures or patients through an eligible APM that meets legislative criteria that include quality measures comparable to those in MIPS, required use of certified EHR technology, and either more than nominal financial risk or a structure as a medical home model. Additionally, specific to physician-focused APMs, the legislation creates a Technical Advisory Committee whose role is to receive and evaluate proposed APMs from the public and requires that the Secretary establish criteria for physician-focused payment models, including models for specialist physicians, by November 1, 2016.

Summary of Legal Basis: Section 101 of MACRA requires proposed and final rules be published by November 1, 2016, for release of criteria for publicly submitted physician-focused payment models and for the release of the MIPS quality measure list.

Alternatives: None. This is a statutory requirement.

Anticipated Cost and Benefits: As we move toward publication, estimates of the cost and benefits of these provisions will be included in the rule.

Risks: If this regulation is not published timely, physicians would not have adequate time to prepare for the MIPS.

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Tribal.

Agency Contact: James Sharp, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare & Medicaid Innovation Center, MS: WB–06–05, 7500 Security Blvd., Baltimore, MD 21244, *Phone:* 410 786–7388, *Email: james.sharp@cms.hhs.gov.*

RIN: 0938–AS69

HHS—CMS

45. • Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2017 Rates (CMS–1655–P) (Section 610 Review)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

CFR Citation: 42 CFR 412.

Legal Deadline: NPRM, Statutory, April 1, 2016. Final, Statutory, August 1, 2016.

Abstract: This annual proposed rule would revise the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This rule would implement changes arising

from our continuing experience with these systems.

Statement of Need: Centers for Medicare & Medicaid Services (CMS) annually revises the Medicare hospital inpatient prospective payment systems (IPPS) for operating and capital-related costs to implement changes arising from our continuing experience with these systems. In addition, we describe the proposed changes to the amounts and factors used to determine the rates for Medicare hospital inpatient services for operating costs and capital-related costs. Also, CMS annually updates the payment rates for the Medicare prospective payment system (PPS) for inpatient hospital services provided by long-term care hospitals (LTCHs). The rule solicits comments on the proposed IPPS and LTCH payment rates and new policies. CMS will issue a final rule containing the payment rates for the FY 2017 IPPS and LTCHs at least 60 days before October 1, 2016.

Summary of Legal Basis: The Social Security Act (the Act) sets forth a system of payment for the operating costs of acute care hospital inpatient stays under Medicare Part A (Hospital Insurance) based on prospectively set rates. The Act requires the Secretary to pay for the capital-related costs of hospital inpatient and long-term care stays under a PPS. Under these systems, Medicare payment for hospital inpatient and long-term care operating and capital-related costs is made at predetermined, specific rates for each hospital discharge. These changes would be applicable to services furnished on or after October 1, 2016.

Alternatives: None. This implements a statutory requirement.

Anticipated Cost and Benefits: Total expenditures will be adjusted for FY 2017.

Risks: If this regulation is not published timely, inpatient hospital and LTCH services will not be paid appropriately beginning October 1, 2016.

Timetable:

Action	Date	FR Cite
NPRM	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Agency Contact: Donald Thompson, Deputy Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6504, *Email: donald.thompson@cms.hhs.gov.*

RIN: 0938–AS77

HHS—CMS

46. • CY 2017 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1654–P) (Section 610 Review)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh; Pub. L. 114–10

CFR Citation: 42 CFR 409; 42 CFR 410; 42 CFR 414.

Legal Deadline: Final, Statutory, November 1, 2016.

Abstract: This annual proposed rule would revise payment polices under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2017.

Statement of Need: The statute requires that we establish each year, by regulation, payment amounts for all physicians' services furnished in all fee schedule areas. This rule would implement changes affecting Medicare Part B payment to physicians and other Part B suppliers. The final rule has a statutory publication date of November 1, 2016, and an implementation date of January 1, 2017.

Summary of Legal Basis: Section 1848 of the Social Security Act (the Act) establishes the payment for physician services provided under Medicare. Section 1848 of the Act imposes an annual deadline of no later than November 1 for publication of the final rule or final physician fee schedule.

Alternatives: None. This rule implements a statutory requirement.

Anticipated Cost and Benefits: Total expenditures will be adjusted for CY 2017.

Risks: If this regulation is not published timely, physician services will not be paid appropriately, beginning January 1, 2017.

Timetable:

Action	Date	FR Cite
NPRM	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Agency Contact: Ryan Howe, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–15, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3355, *Email: ryan.howe@cms.hhs.gov.*

RIN: 0938–AS81

HHS—CMS

47. • CY 2017 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1656–P) (Section 610 Review)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

CFR Citation: 42 CFR 416; 42 CFR 419.

Legal Deadline: Final, Statutory, November 1, 2016.

Abstract: This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule would change the ambulatory surgical center payment system list of services and rates.

Statement of Need: Medicare pays over 4,000 hospitals for outpatient department services under the hospital outpatient prospective payment system (OPPS). The OPPS is based on groups of clinically similar services called ambulatory payment classification groups (APCs). CMS annually revises the APC payment amounts based on the most recent claims data, proposes new payment policies, and updates the payments for inflation using the hospital operating market basket. Medicare pays roughly 5,000 Ambulatory Surgical enters (ASCs) under the ASC payment system. CMS annually revises the payment under the ASC payment system, proposes new policies, and updates payments for inflation. CMS will issue a final rule containing the payment rates for the 2017 OPPS and ASC payment system at least 60 days before January 1, 2017.

Summary of Legal Basis: Section 1833 of the Social Security Act establishes Medicare payment for hospital outpatient services and ASC services. The rule revises the Medicare hospital OPPS and ASC payment system to implement applicable statutory requirements. In addition, the rule describes changes to the outpatient APC

system, relative payment weights, outlier adjustments, and other amounts and factors used to determine the payment rates for Medicare hospital outpatient services paid under the prospective payment system as well as changes to the rates and services paid under the ASC payment system. These changes would be applicable to services furnished on or after January 1, 2017.

Alternatives: None. This rule is a statutory requirement.

Anticipated Cost and Benefits: Total expenditures will be adjusted for CY 2017.

Risks: If this regulation is not published timely, outpatient hospital and ASC services will not be paid appropriately beginning January 1, 2017.

Timetable:

Action	Date	FR Cite
NPRM	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Agency Contact: Marjorie Baldo, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4617, *Email: marjorie.baldo@cms.hhs.gov.*

RIN: 0938–AS82

HHS—CMS

Final Rule Stage

48. Medicaid Managed Care, CHIP Delivered in Managed Care, Medicaid and CHIP Comprehensive Quality Strategies, and Revisions Related to Third Party Liability (CMS–2390–F)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 1302

CFR Citation: 42 CFR 430; 42 CFR 431; 42 CFR 438.

Legal Deadline: None.

Abstract: This final rule modernizes the Medicaid managed care regulations to reflect changes in the usage of managed care delivery systems. The rule aligns the rules governing Medicaid managed care with those of other major sources of coverage, including coverage through Qualified Health Plans and Medicare Advantage plans; implements statutory provisions; strengthens actuarial soundness payment provisions to promote the accountability of Medicaid managed care program rates; ensures appropriate beneficiary protections; and, enhances expectations for program integrity. This rule also implements provisions of the Children's Health Insurance Program Reauthorization Act (CHIPRA) and addresses third party liability for trauma codes.

Statement of Need: This rule modernizes the Medicaid managed care regulations recognizing changes in the usage of managed care delivery systems since the release of the final rule in 2002. As Medicaid managed care programs have developed and matured in the intervening years, States have taken various approaches to implementation. This has resulted in inconsistencies and, in some cases, less than optimal results. To improve consistency and adopt policies and practices from States that have proven the most successful, we include revisions in this rule to strengthen beneficiary protections, support alignment with rules governing managed care in other public and private sector programs, strengthen actuarial soundness and the accountability of rates paid in the Medicaid managed care program, improve quality of care, and implement statutory provisions issued since 2002. The rule also applies some of the Medicaid managed care regulations to the Children's Health Insurance Program (CHIP).

Summary of Legal Basis: Congress enacted specific standards for Medicaid managed care programs in sections 4701 through 4709 of the Balanced Budget Act of 1997 (BBA). The BBA represented the first comprehensive revision to Federal statutes governing Medicaid managed care since the early 1980s. These standards are codified in sections 1903 and 1932 of the Act and implemented in a final rule published June 14, 2002 (67 FR 40989). The Children's Health Insurance Reauthorization Act of 2009 and the Affordable Care Act applied some of the Medicaid managed care statutory provisions to CHIP.

Alternatives: We could choose not to make any regulatory changes; however, while the 2002 final rule has been the guiding regulation for Medicaid managed care, many questions and issues have arisen in the intervening years due to the current version's lack of clarity or detail in some areas. With no guidance in these areas, States have created various standards, leading to inconsistency and, in some cases, less than optimal program performance. Additionally, many issues have arisen from the evolution of managed care that have rendered some provisions nearly obsolete. For example, the existing version gives little acknowledgement to the use of electronic means of communication and no recognition to the recently created health care coverage options offered through the Federal and State marketplaces. This creates gaps that leave States and managed care plans with unclear, non-existent, or confusing guidance and standards for program operation. We believe that with consistent standards and clearly defined flexibilities for States, programs can develop in ways that not only transform the healthcare delivery system and fulfill the mission of the Medicaid program, but can improve the health and wellness of Medicaid enrollees.

Anticipated Cost and Benefits: The overall economic impact for this rule is estimated to be $112 million in the first year of implementation. Additionally, non-quantifiable benefits include improved health outcomes, reduced unnecessary services, improved beneficiary experience, improved access, and improved program transparency which facilitates better decisionmaking.

Risks: None. It is necessary to modernize the Medicaid and CHIP managed care and quality regulations to support health care delivery system reform, improve population health outcomes, and improve the beneficiary experience in a cost effective and consistent manner in all states.

Timetable:

Action	Date	FR Cite
NPRM	06/01/15	80 FR 31097
NPRM Comment Period End.	07/27/15	
Final Action	04/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, State, Tribal.

Additional Information: Includes Retrospective Review under E.O. 13563.

Agency Contact: Nicole Kaufman, Technical Director, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicaid and CHIP Services, MS: S2–14–16, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6604, *Email: nicole.kaufman@cms.hhs.gov.*

RIN: 0938–AS25

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DEPARTMENT OF HOMELAND SECURITY (DHS)

Fall 2015 Statement of Regulatory Priorities

The Department of Homeland Security (DHS or Department) was created in 2003 pursuant to the Homeland Security Act of 2002, Public Law 107–296. DHS has a vital mission: To secure the Nation from the many threats we face. This requires the dedication of more than 225,000 employees in jobs that range from aviation and border security to emergency response, from cybersecurity analyst to chemical facility inspector. Our duties are wide-ranging, but our goal is clear—keeping America safe.

Our mission gives us six main areas of responsibility:

1. Prevent Terrorism and Enhance Security,
2. Secure and Manage Our Borders,
3. Enforce and Administer Our Immigration Laws,
4. Safeguard and Secure Cyberspace,
5. Ensure Resilience to Disasters, and
6. Mature and Strengthen DHS

In achieving these goals, we are continually strengthening our partnerships with communities, first responders, law enforcement, and government agencies—at the State, local, tribal, Federal, and international levels. We are accelerating the deployment of science, technology, and innovation in order to make America more secure, and we are becoming leaner, smarter, and more efficient, ensuring that every security resource is used as effectively as possible. For a further discussion of our main areas of responsibility, see the DHS Web site at *http://www.dhs.gov/our-mission*.

The regulations we have summarized below in the Department's fall 2015 regulatory plan and in the agenda support the Department's responsibility areas listed above. These regulations will improve the Department's ability to accomplish its mission.

The regulations we have identified in this year's fall regulatory plan continue to address legislative initiatives including, but not limited to, the following acts: The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), Public Law 110–53 (Aug. 3, 2007); the Consolidated Natural Resources Act of 2008 (CNRA), Public Law 110–229 (May 8, 2008); the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Public Law 109–347 (Oct. 13, 2006); and the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Public Law 110–329 (Sep. 30, 2008).

DHS strives for organizational excellence and uses a centralized and unified approach in managing its regulatory resources. The Office of the General Counsel manages the Department's regulatory program, including the agenda and regulatory plan. In addition, DHS senior leadership reviews each significant regulatory project to ensure that the project fosters and supports the Department's mission. The Department is committed to ensuring that all of its regulatory initiatives are aligned with its guiding principles to protect civil rights and civil liberties, integrate our actions, build coalitions and partnerships, develop human resources, innovate, and be accountable to the American public.

DHS is also committed to the principles described in Executive Orders 13563 and 12866 (as amended). Both Executive Orders 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

Finally, the Department values public involvement in the development of its regulatory plan, agenda, and regulations, and takes particular concern with the impact its rules have on small businesses. DHS and each of its components continue to emphasize the use of plain language in our notices and rulemaking documents to promote a better understanding of regulations and increased public participation in the Department's rulemakings.

Retrospective Review of Existing Regulations

Pursuant to Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), DHS identified the following regulatory actions as associated with retrospective review and analysis. Some of the regulatory actions on the below list may be completed actions, which do not appear in The Regulatory Plan. You can find more information about these completed rulemakings in past publications of the Unified Agenda (search the Completed Actions sections) on *www.reginfo.gov*. Some of the entries on this list, however, are active rulemakings. You can find entries for these rulemakings on *www.regulations.gov*.

RIN	Rule
1601–AA58	Professional Conduct for Practitioners Rules and Procedures, and Representation and Appearances
1615–AB95	Immigration Benefits Business Transformation, Increment II; Nonimmigrants Classes.
1615–AC00	Enhancing Opportunities for H–1B1, CW–1, and E–3 Nonimmigrants and EB–1 Immigrants.
1625–AB38	Updates to Maritime Security.
1625–AB80	Revision to Transportation Worker Identification Credential (TWIC) Requirements for Mariners.
1625–AC15	Seafarers' Access to Maritime Facilities.
1651–AA96	Definition of Form I–94 to Include Electronic Format.
1651–AB05	Freedom of Information Act (FOIA) Procedures.
1653–AA63	Adjustments to Limitations on Designated School Official Assignment and Study By F–2 and M–2 Nonimmigrants.

Promoting International Regulatory Cooperation

Pursuant to sections 3 and 4(b) of Executive Order 13609 ''Promoting International Regulatory Cooperation'' (May 1, 2012), DHS has identified the following regulatory actions that have significant international impacts. Some of the regulatory actions on the below list may be completed actions. You can find more information about these completed rulemakings in past publications of the Unified Agenda (search the Completed Actions sections) on *www.reginfo.gov*. Some of the entries on this list, however, are active rulemakings. You can find entries for these rulemakings on *www.regulations.gov*.

RIN	Rule
1625–AB38	Updates to Maritime Security.
1651–AA70	Importer Security Filing and Additional Carrier Requirements.
1651–AA72	Changes to the Visa Waiver Program To Implement the Electronic System for Travel Authorization (ESTA) Program.
1651–AA98	Amendments to Importer Security Filing and Additional Carrier Requirements.
1651–AA96	Definition of Form I–94 to Include Electronic Format.

DHS participates in some international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations. For example, the U.S. Coast Guard is the primary U.S. representative to the International Maritime Organization (IMO) and plays a major leadership role in establishing international standards in the global maritime community. IMO's work to establish international standards for maritime safety, security, and environmental protection closely aligns with the U.S. Coast Guard regulations. As an IMO member nation, the U.S. is obliged to incorporate IMO treaty provisions not already part of U.S. domestic policy into regulations for those vessels affected by the international standards. Consequently, the U.S. Coast Guard initiates rulemakings to harmonize with IMO international standards such as treaty provisions and the codes, conventions, resolutions, and circulars that supplement them.

Also, President Obama and Prime Minister Harper created the Canada-U.S. Regulatory Cooperation Council (RCC) in February 2011. The RCC is an initiative between both Federal Governments aimed at pursuing greater alignment in regulation, increasing mutual recognition of regulatory practices and establishing smarter, more effective and less burdensome regulations in specific sectors. The Canada-U.S. RCC initiative arose out of the recognition that high level, focused, and sustained effort would be required to reach a more substantive level of regulatory cooperation. Since its creation in early 2011, the U.S. Coast Guard has participated in stakeholder consultations with their Transport Canada counterparts and the public, drafted items for inclusion in the RCC Action Plan, and detailed work plans for each included Action Plan item.

The fall 2015 regulatory plan for DHS includes regulations from DHS components—including U.S. Citizenship and Immigration Services (USCIS), the U.S. Coast Guard (Coast Guard), U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), and the Transportation Security Administration (TSA), which have active regulatory programs. In addition, it includes regulations from the Department's major offices and directorates such as the National Protection and Programs Directorate (NPPD). Below is a discussion of the fall 2015 regulatory plan for DHS regulatory components, offices, and directorates.

United States Citizenship and Immigration Services

U.S. Citizenship and Immigration Services (USCIS) administers immigration benefits and services while protecting and securing our homeland. USCIS has a strong commitment to welcoming individuals who seek entry through the U.S. immigration system, providing clear and useful information regarding the immigration process, promoting the values of citizenship, and assisting those in need of humanitarian protection. Based on a comprehensive review of the planned USCIS regulatory agenda, USCIS will promulgate several rulemakings to directly support these commitments and goals.

Regulations To Facilitate Retention of High-Skilled Workers and Entrepreneurs

Employment-Based Immigration Modernization. USCIS will propose to implement certain provisions of the American Competitiveness and Workforce Improvement Act of 1998 and the American Competitiveness in the Twenty-First Century Act of 2000, Public Law 106–313, as amended by the Twenty-First Century Department of Justice Appropriations Authorization Act of 2002, Public Law 107–273. USCIS will seek public feedback in codifying its interpretation of these statutes. Additionally, USCIS will propose to amend its regulations to provide greater stability and job flexibility to certain beneficiaries of approved employment-based immigrant petitions during their transition from nonimmigrant to lawful permanent residence status and to enable U.S. businesses to hire and retain highly-skilled foreign-born workers.

Significant Public Benefit Parole for Entrepreneurs. USCIS will propose to establish conditions for paroling foreign entrepreneurs into the United States based on case-by-case discretionary determinations that their entrepreneurial activities in the United States will provide the United States with a significant public benefit. Parole under these conditions would allow individuals who have been awarded substantial U.S. investor financing or otherwise hold the promise of innovation and job creation through the development of new technologies or the pursuit of cutting edge research to pursue development of startup businesses in the United States. This would provide an opportunity for much needed innovation and job creation in the United States.

Enhancing Opportunities for High-Skilled Workers. DHS will issue a final rule following its May 2014, proposed rule designed to encourage and facilitate the employment and retention of certain high-skilled and transitional workers. As proposed, the rule would amend regulations affecting high-skilled workers within the nonimmigrant classifications for specialty occupation professionals from Chile and Singapore (H–1B1) and from Australia (E–3), to include these classifications in the list of classes of aliens authorized for employment incident to status with a specific employer, to extend automatic employment authorization extensions with pending extension of stay requests, and to update filing procedures. The rule would also amend regulations regarding continued employment authorization for nonimmigrant workers in the Commonwealth of the Northern Mariana Islands (CNMI)-only Transitional Worker (CW–1) classification. Finally, the rule would amend regulations related to the immigration classification for employment-based first preference (EB–1) outstanding professors or researchers to allow the submission of comparable evidence. These changes would encourage and facilitate the employment and retention of these high-skilled workers.

Improvements to the Immigration System

Provisional Unlawful Presence Waivers. DHS will issue a final rule following its July 2015, proposed rule regarding the provisional unlawful presence waiver process. As proposed,

this rule would expand access to the provisional unlawful presence waiver program to additional aliens for whom an immigrant visa is immediately available and who can show extreme hardship to a qualifying U.S. citizen or lawful permanent resident spouse or parent.

Requirements for Filing Motions and Administrative Appeals. USCIS will propose to revise the procedural regulations governing appeals and motions to reopen or reconsider before its Administrative Appeals Office, and to require that applicants and petitioners exhaust administrative remedies before seeking judicial review of an unfavorable decision. The changes proposed by the rule will streamline the procedures before the Administrative Appeals Office and improve the efficiency of the adjudication process.

Regulations Related to the Commonwealth of Northern Mariana Islands. This final rule amends DHS and Department of Justice (DOJ) regulations to comply with the Consolidated Natural Resources Act of 2008 (CNRA). The CNRA extends the immigration laws of the United States to the Consolidated Northern Mariana Islands (CNMI). In 2009, USCIS issued an interim final rule to implement conforming amendments to the DHS and DOJ regulations. This joint DHS–DOJ final rule titled ''Application of Immigration Regulations to the CNMI'' would finalize the 2009 interim final rule.

Regulatory Changes Involving Humanitarian Benefits

Exception to the Persecution Bar for Asylum, Refugee, or Temporary Protected Status, and Withholding of Removal. In a joint rulemaking, DHS and DOJ will propose amendments to existing DHS and DOJ regulations to resolve ambiguity in the statutory language precluding eligibility for asylum, refugee resettlement, temporary protected status, and withholding or removal of an applicant who ordered, incited, assisted, or otherwise participated in the persecution of others. The proposed rule would provide a limited exception for persecutory actions taken by the applicant under duress and would clarify the required level of the applicant's knowledge of the persecution.

''T'' and ''U'' Nonimmigrants. USCIS plans additional regulatory initiatives related to T nonimmigrants (victims of trafficking) and U nonimmigrants (victims of criminal activity). USCIS hopes to provide greater consistency in eligibility, application, and procedural requirements for these vulnerable groups, their advocates, and the community through these regulatory initiatives. These rulemakings will contain provisions to adjust documentary requirements for this vulnerable population and provide greater clarity to the law enforcement community.

Special Immigrant Juvenile Petitions. This final rule makes procedural changes and resolves interpretive issues following the amendments mandated by Congress. It will enable child aliens who have been abused, neglected, or abandoned and placed under the jurisdiction of a juvenile court or placed with an individual or entity, to obtain classification as Special Immigrant Juvenile. Such classification can regularize immigration status for these aliens and allow for adjustment of status to lawful permanent resident.

United States Coast Guard

The U.S. Coast Guard (Coast Guard) is a military, multi-mission, maritime service of the United States and the only military organization within DHS. It is the principal Federal agency responsible for maritime safety, security, and stewardship and delivers daily value to the Nation through multi-mission resources, authorities, and capabilities.

Effective governance in the maritime domain hinges upon an integrated approach to safety, security, and stewardship. The Coast Guard's policies and capabilities are integrated and interdependent, delivering results through a network of enduring partnerships. The Coast Guard's ability to field versatile capabilities and highly-trained personnel is one of the U.S. Government's most significant and important strengths in the maritime environment.

America is a maritime nation, and our security, resilience, and economic prosperity are intrinsically linked to the oceans. Safety, efficient waterways, and freedom of transit on the high seas are essential to our well-being. The Coast Guard is leaning forward, poised to meet the demands of the modern maritime environment. The Coast Guard creates value for the public through solid prevention and response efforts. Activities involving oversight and regulation, enforcement, maritime presence, and public and private partnership foster increased maritime safety, security, and stewardship.

The statutory responsibilities of the Coast Guard include ensuring marine safety and security, preserving maritime mobility, protecting the marine environment, enforcing U.S. laws and international treaties, and performing search and rescue. The Coast Guard supports the Department's overarching goals of mobilizing and organizing our Nation to secure the homeland from terrorist attacks, natural disasters, and other emergencies. The rulemaking projects identified for the Coast Guard in the Unified Agenda, and the rules appearing in the fall 2015 Regulatory Plan below, contribute to the fulfillment of those responsibilities and reflect our regulatory policies.

Inspection of Towing Vessels. The Coast Guard has proposed regulations governing the inspection of towing vessels, including an optional safety management system. The regulations for this large class of vessels would establish operations, lifesaving, fire protection, machinery and electrical systems and equipment, and construction and arrangement standards for towing vessels. This rulemaking also sets standards for the optional towing safety management system (TSMS) and related third-party organizations, as well as procedures for obtaining a certificate of inspection under either the TSMS or Coast Guard annual-inspection option. This rulemaking would implement section 415 of the Coast Guard and Maritime Transportation Act of 2004. The intent of this rulemaking, which would create 46 CFR, subchapter M, is to promote safer work practices and reduce towing vessel casualties.

Transportation Worker Identification Credential (TWIC)—Reader Requirements. In accordance with the Maritime Transportation Safety Act of 2002 (MTSA) and the Security and Accountability For Every Port Act of 2006 (SAFE Port Act), the Coast Guard is establishing rules requiring electronic TWIC readers at high-risk vessels and facilities. These rules would ensure that prior to being granted unescorted access to a designated secure area at a high-risk vessel or facility: (1) The individual will have his or her TWIC electronically authenticated; (2) the status of the individual's credential will be electronically validated against an up-to-date list maintained by the TSA; and (3) the individual's identity will be electronically confirmed by comparing his or her fingerprint or other biometric sample with a biometric template stored on the credential. By promulgating these rules, the Coast Guard is complying with the statutory requirement in the SAFE Port Act, improving security at the highest risk vessels and facilities, and making full use of the electronic and biometric security features integrated into the TWIC and mandated by Congress in MTSA.

United States Customs and Border Protection

U.S. Customs and Border Protection (CBP) is the Federal agency principally responsible for the security of our Nation's borders, both at and between the ports of entry and at official crossings into the United States. CBP must accomplish its border security and enforcement mission without stifling the flow of legitimate trade and travel. The primary mission of CBP is its homeland security mission, that is, to prevent terrorists and terrorist weapons from entering the United States. An important aspect of this priority mission involves improving security at our borders and ports of entry, but it also means extending our zone of security beyond our physical borders.

CBP is also responsible for administering laws concerning the importation into the United States of goods, and enforcing the laws concerning the entry of persons into the United States. This includes regulating and facilitating international trade; collecting import duties; enforcing U.S. trade, immigration and other laws of the United States at our borders; inspecting imports, overseeing the activities of persons and businesses engaged in importing; enforcing the laws concerning smuggling and trafficking in contraband; apprehending individuals attempting to enter the United States illegally; protecting our agriculture and economic interests from harmful pests and diseases; servicing all people, vehicles and cargo entering the United States; maintaining export controls; and protecting U.S. businesses from theft of their intellectual property.

In carrying out its priority mission, CBP's goal is to facilitate the processing of legitimate trade and people efficiently without compromising security. Consistent with its primary mission of homeland security, CBP intends to issue several rules during the next fiscal year that are intended to improve security at our borders and ports of entry. CBP is also automating some procedures that increase efficiencies and reduce the costs and burdens to travelers. We have highlighted two of these rules below.

Air Cargo Advance Screening (ACAS). The Trade Act of 2002, as amended, authorizes the Secretary of Homeland Security to promulgate regulations providing for the transmission to CBP through an electronic data interchange system, of information pertaining to cargo to be brought into the United States or to be sent from the United States, prior to the arrival or departure of the cargo. The cargo information required is that which the Secretary determines to be reasonably necessary to ensure cargo safety and security. CBP's current Trade Act regulations pertaining to air cargo require the electronic submission of various advance data to CBP no later than either the time of departure of the aircraft for the United States (from specified locations) or four hours prior to arrival in the United States for all other locations. CBP intends to propose amendments to these regulations to implement the Air Cargo Advance Screening (ACAS) program. To improve CBP's risk assessment and targeting capabilities and to enable CBP to target and identify risky cargo prior to departure of the aircraft to the United States, ACAS would require the submission of certain of the advance electronic information for air cargo earlier in the process. In most cases, the information would have to be submitted as early as practicable but no later than prior to the loading of cargo onto an aircraft at the last foreign port of departure to the United States. CBP, in conjunction with TSA, has been operating ACAS as a voluntary pilot program since 2010 and would like to implement ACAS as a regulatory program.

Definition of Form I–94 to Include Electronic Format. DHS issues the Form I–94 to certain aliens and uses the Form I–94 for various purposes such as documenting status in the United States, the approved length of stay, and departure. DHS generally issues the Form I–94 to aliens at the time they lawfully enter the United States. On March 27, 2013, CBP published an interim final rule amending existing regulations to add a new definition of the term ''Form I–94.'' The new definition includes the collection of arrival/departure and admission or parole information by DHS, whether in paper or electronic format. The definition also clarified various terms that are associated with the use of the Form I–94 to accommodate an electronic version of the Form I–94. The rule also added a valid, unexpired nonimmigrant DHS admission or parole stamp in a foreign passport to the list of documents designated as evidence of alien registration. These revisions enabled DHS to transition to an automated process whereby DHS creates a Form I–94 in an electronic format based on passenger, passport and visa information that DHS obtains electronically from air and sea carriers and the Department of State as well as through the inspection process. CBP intends to publish a final rule during the next fiscal year.

In addition to the regulations that CBP issues to promote DHS's mission, CBP also issues regulations related to the mission of the Department of the Treasury. Under section 403(1) of the Homeland Security Act of 2002, the former-U.S. Customs Service, including functions of the Secretary of the Treasury relating thereto, transferred to the Secretary of Homeland Security. As part of the initial organization of DHS, the Customs Service inspection and trade functions were combined with the immigration and agricultural inspection functions and the Border Patrol and transferred into CBP. It is noted that certain regulatory authority of the U.S. Customs Service relating to customs revenue function was retained by the Department of the Treasury (see the Department of the Treasury Regulatory Plan). In addition to its plans to continue issuing regulations to enhance border security, CBP, during fiscal year 2016, expects to continue to issue regulatory documents that will facilitate legitimate trade and implement trade benefit programs. CBP regulations regarding the customs revenue function are discussed in the Regulatory Plan of the Department of the Treasury.

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) does not have any significant regulatory actions planned for fiscal year 2016.

Federal Law Enforcement Training Center

The Federal Law Enforcement Training Center (FLETC) does not have any significant regulatory actions planned for fiscal year 2016.

United States Immigration and Customs Enforcement

ICE is the principal criminal investigative arm of the Department of Homeland Security and one of the three Department components charged with the civil enforcement of the Nation's immigration laws. Its primary mission is to protect national security, public safety, and the integrity of our borders through the criminal and civil enforcement of Federal law governing border control, customs, trade, and immigration. During fiscal year 2016, ICE will focus rulemaking efforts on improvements in the area of student and exchange visitor programs and to advance initiatives related to F–1 nonimmigrant students:

Improving and Expanding Training Opportunities for F–1 Nonimmigrant Students with STEM Degrees and Expanding Cap-Gap Relief for All F–1

Students With Pending H–1B Petitions. The Department of Homeland Security will propose a rule to enhance opportunities for F–1 nonimmigrant students graduating with a science, technology, engineering, or mathematics (STEM) degree to further their courses of study through an extension of optional practical training (OPT) with employers enrolled in USCIS's E-Verify employment verification program. DHS anticipates that the rule would replace a 2008 interim final rule (IFR) that was recently held to be procedurally invalid, and that is the subject of a temporarily stayed vacatur. The proposed rule would enhance the academic benefit of the STEM extension and would help ensure that the nation's colleges and universities remain globally competitive in attracting international STEM students to study in the United States prior to returning to their home countries.

National Protection and Programs Directorate

The National Protection and Programs Directorate's (NPPD) vision is a safe, secure, and resilient infrastructure where the American way of life can thrive. NPPD leads the national effort to protect and enhance the resilience of the nation's physical and cyber infrastructure.

Chemical Facility Anti-Terrorism Standards. Recognizing both the importance of the nation's chemical facilities to the American way of life and the need to secure high-risk chemical facilities against terrorist attacks, in December 2014 Congress passed and the President signed into law the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014, Pub. L. 113–254. This legislation provides the Department continuing authority to implement the Chemical Facility Anti-Terrorism Standards (CFATS) regulatory program, a unique regulatory program mandating that high-risk chemical facilities in the United States draft and implement security plans satisfying risk-based performance standards established by DHS.

CFATS has been in effect since 2007, and on August 18, 2014, the Department published an Advance Notice of Proposed Rulemaking (ANPRM) in order to seek public comment on ways to make the program more effective. The Department will continue the rulemaking effort that commenced with the publication of that ANPRM, and intends to publish a Notice of Proposed Rulemaking (NPRM) proposing a number of changes to the CFATS program. The NPRM will propose substantive modifications to CFATS based on public comments received on the ANPRM and based on program implementation experience the Department has gained since 2007. The NPRM will also propose modifications to CFATS in order to align its regulatory text with the requirements of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014. Accordingly, the Department anticipates that the NPRM will propose both discretionary and non-discretionary modifications to CFATS, with the goals of harmonizing the regulation with its statutory authority and of making the CFATS program more efficient and effective.

Transportation Security Administration

The Transportation Security Administration (TSA) protects the Nation's transportation systems to ensure freedom of movement for people and commerce. TSA is committed to continuously setting the standard for excellence in transportation security through its people, processes, and technology as we work to meet the immediate and long-term needs of the transportation sector.

In fiscal year 2016, TSA will promote the DHS mission by emphasizing regulatory efforts that will allow TSA to better identify, detect, and protect against threats against various modes of the transportation system, while facilitating the efficient movement of the traveling public, transportation workers, and cargo.

Passenger Screening Using Advanced Imaging Technology (AIT). TSA intends to issue a final rule to amend its civil aviation regulations to address whether screening and inspection of an individual, conducted to control access to the sterile area of an airport or to an aircraft, may include the use of advanced imaging technology (AIT). TSA published an NPRM on March 26, 2013, to comply with the decision rendered by the U.S. Court of Appeals for the District of Columbia Circuit in *Electronic Privacy Information Center (EPIC)* v. *U.S. Department of Homeland Security* on July 15, 2011, (653 F.3d 1 (D.C. Cir. 2011)). The Court directed TSA to conduct notice-and-comment rulemaking on the use of AIT in the primary screening of passengers.

Security Training for Surface Mode Employees. TSA will propose regulations to enhance the security of several non-aviation modes of transportation. In particular, TSA will propose regulations requiring freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers, and over-the-road bus operators to conduct security training for front line employees. This regulation would implement sections 1408 (Public Transportation), 1517 (Freight Railroads), and 1534 (Over-the-Road Buses) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), Public Law 110–53, August 3, 2007. In compliance with the definitions of frontline employees in the pertinent provisions of the 9/11 Act, the Notice of Proposed Rulemaking (NPRM) would propose to define which employees are required to undergo training. The NPRM would also propose definitions for transportation security-sensitive materials, as required by section 1501 of the 9/11 Act.

Standardized Vetting, Adjudication, and Redress Process and Fees. TSA is developing a proposed rule to establish and update fees, and revise and standardize the procedures and adjudication criteria for most of the security threat assessments (STAs) of individuals that TSA conducts. The proposal would improve procedures for conducting STAs for transportation workers from almost all modes of transportation, including those covered under the 9/11 Act. In addition, TSA will propose consistent and equitable fees to cover the cost of the STAs. TSA plans to identify new efficiencies in processing STAs and ways to streamline existing regulations by simplifying language and removing redundancies. As part of this proposed rule, TSA will propose revisions to the Alien Flight Student Program (AFSP) regulations. TSA published an IFR for the AFSP on September 20, 2004. TSA regulations require aliens seeking to train at Federal Aviation Administration-regulated flight schools to complete an application and undergo an STA prior to beginning flight training. There are four categories under which students currently fall; the nature of the STA depends on the student's category. TSA is considering changes to the AFSP that would improve equity among fee payers and enable the implementation of new technologies to support vetting.

United States Secret Service

The United States Secret Service does not have any significant regulatory actions planned for fiscal year 2016.

DHS Regulatory Plan for Fiscal Year 2016

A more detailed description of the priority regulations that comprise DHS's fall 2015 regulatory plan follows.

DHS—OFFICE OF THE SECRETARY (OS)

Proposed Rule Stage

49. Chemical Facility Anti-Terrorism Standards (CFATS)

Priority: Other Significant.

Legal Authority: sec 550 of the Department of Homeland Security Appropriations Act of 2007 Pub. L. 109–295, as amended

CFR Citation: 6 CFR 27.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) previously invited public comment on an advance notice of proposed rulemaking (ANPRM) for potential revisions to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. DHS is reviewing the public comments received in response to the ANPRM, after which DHS intends to publish a Notice of Proposed Rulemaking.

Statement of Need: DHS intends to propose several potential program changes to the CFATS regulation. These changes have been identified in the five years since program implementation.

In addition, in December 2014, a new law (the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014) was enacted which provides DHS continuing authority to implement CFATS. DHS must make several modifications and additions to conform the CFATS regulation with the new law.

Summary of Legal Basis: The Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (Pub. L. 113–254) added Title XXI to the Homeland Security Act of 2002 (HSA) to authorize in permanent law a Chemical Facility Anti-terrorism Standards (CFATS) program. *See* 6 U.S.C. 621 *et seq.* Title XXI supersedes section 550 of the Department of Homeland Security Appropriations Act of 2007, Pub. L. 109–295, under which the CFATS program was originally established in April 2007. Section 2107(a) of the HSA specifically authorizes DHS to ''promulgate regulations or amend existing CFATS regulations to implement the provisions under [Title XXI]. 6 U.S.C. 627(a). In addition, section 2107(b)(2) of the HSA requires DHS to repeal any existing CFATS regulation that [DHS] determines is duplicative of, or conflicts with, [Title XXI]. 6 U.S.C. 627(b)(2).

Alternatives:

Anticipated Cost and Benefits: The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. DHS is reviewing the public comments received in response to the ANPRM, after which DHS intends to publish a Notice of Proposed Rulemaking (NPRM).

Risks:

Timetable:

Action	Date	FR Cite
ANPRM	08/18/14	79 FR 48693
ANPRM Comment Period End.	10/17/14	
NPRM	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, Local, State.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov*.

RIN: 1601–AA69

DHS—U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

Proposed Rule Stage

50. Adjustment of Status to Lawful Permanent Resident for Aliens in T and U Nonimmigrant Status

Priority: Other Significant.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101 to 1104; 8 U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1187; 8 U.S.C. 1201; 8 U.S.C. 1224 to 1227; 8 U.S.C. 1252 to 1252a; 8 U.S.C. 1255; 22 U.S.C. 7101; 22 U.S.C. 7105; Pub. L. 113–4

CFR Citation: 8 CFR 204; 8 CFR 214; 8 CFR 245.

Legal Deadline: None.

Abstract: This rule sets forth measures by which certain victims of severe forms of trafficking who have been granted T nonimmigrant status and victims of certain qualifying criminal activity who have been granted U nonimmigrant status may apply for adjustment of status to lawful permanent resident in accordance with Public Law 106–386, Victims of Trafficking and Violence Protection Act of 2000; and Public Law 109–162, Violence Against Women and Department of Justice Reauthorization Act of 2005. The Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110–457, made amendments to the T nonimmigrant status provisions of the Immigration and Nationality Act (INA). The Violence Against Women's Reauthorization Act of 2013, Public Law 113–4, made amendments to the T and U nonimmigrant status and the T and U adjustment of status provisions of the Immigration and Nationality Act. The Department of Homeland Security (DHS) will issue a proposed rule to propose the changes required by recent legislation.

Statement of Need: This regulation is necessary to permit aliens in lawful T or U nonimmigrant status, including derivatives, to apply for adjustment of status to that of lawful permanent residents.

Summary of Legal Basis: This regulation is necessary to permit aliens in lawful T or U nonimmigrant status to apply for adjustment of status to that of lawful permanent residents. T nonimmigrant status is available to aliens who are victims of a severe form of trafficking in persons and who have assisted or are assisting law enforcement in the investigation or prosecution of the acts of trafficking.

U nonimmigrant status is available to aliens who are victims of certain qualifying criminal activity crimes and have been, are being, or are likely to be helpful to the investigation or prosecution of those crimes.

Alternatives: DHS did not consider alternatives to managing T and U applications for adjustment of status. Ease of administration dictates that adjustment of status applications from T and U nonimmigrants would be best handled on a first in, first out basis, because that is the way applications for T and U status are currently handled.

Anticipated Cost and Benefits: DHS uses fees to fund the cost of processing applications and associated support benefits. In the 2008 interim final rule, DHS estimated the fee collection resulting from this rule at approximately $3 million in the first year, $1.9 million in the second year, and an average about $32 million in the third and subsequent years. DHS is in the process of updating these cost estimates.

The anticipated benefits of these expenditures include: Continued assistance to trafficked and other qualifying crime victims and their families, increased investigation and prosecution of traffickers in persons and other qualifying crimes, and the elimination of abuses caused by trafficking and criminal activities.

Risks: While there is a limit of 5,000 adjustments based on T nonimmigrant status per fiscal year, there is no such limit on those applying for adjustment based on U nonimmigrant status. Eligible applicants for adjustment of status based on T nonimmigrant status will be placed on a waiting list maintained by U.S. Citizenship and Immigration Services (USCIS).

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/12/08	73 FR 75540
Interim Final Rule Effective.	01/12/09	
Interim Final Rule Comment Period End.	02/10/09	
NPRM	10/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.

Additional Information: CIS No. 2134–01 Transferred from RIN 1115–AG21.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Maureen A. Dunn, Chief, Family Immigration and Victim Protection Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW., Suite 1200, Washington, DC 20529, *Phone:* 202 272–1470, *Fax:* 202 272–1480, *Email: maureen.a.dunn@uscis.dhs.gov.*

RIN: 1615–AA60

DHS—USCIS

51. New Classification for Victims of Criminal Activity; Eligibility for the U Nonimmigrant Status

Priority: Other Significant.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1101 (note); 8 U.S.C. 1102; Pub. L. 113–4

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 214; 8 CFR 299.

Legal Deadline: None.

Abstract: This rule proposes new application and eligibility requirements for U nonimmigrant status. The U classification is for non-U.S. citizen/lawful permanent resident victims of certain crimes who cooperate with an investigation or prosecution of those crimes. There is a limit of 10,000 principals per fiscal year. This rule would propose to establish new procedures to be followed to petition for the U nonimmigrant classifications. Specifically, the rule would address the essential elements that must be demonstrated to receive the nonimmigrant classification, procedures that must be followed to file a petition and evidentiary guidance to assist in the petitioning process. Eligible victims would be allowed to remain in the United States if granted U nonimmigrant status. The Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110–457, and the Violence Against Women Reauthorization Act (VAWA) of 2013, Public Law 113–4, made amendments to the U nonimmigrant status provisions of the Immigration and Nationality Act. The Department of Homeland Security had issued an interim final rule in 2007.

Statement of Need: This regulation is necessary to allow alien victims of certain crimes to petition for U nonimmigrant status. U nonimmigrant status is available to eligible victims of certain qualifying criminal activity who: (1) Have suffered substantial physical or mental abuse as a result of the qualifying criminal activity; (2) the alien possesses information about the crime; (3) the alien has been, is being, or is likely to be helpful in the investigation or prosecution of the crime; and (4) the criminal activity took place in the United States, including military installations and Indian country, or the territories or possessions of the United States. This rule addresses the eligibility requirements that must be met for classification as a U nonimmigrant alien and implements statutory amendments to these requirements, streamlines the procedures to petition for U nonimmigrant status, and provides evidentiary guidance to assist in the petition process.

Summary of Legal Basis: Congress created the U nonimmigrant classification in the Battered Immigrant Women Protection Act of 2000 (BIWPA) to provide immigration relief for alien victims of certain qualifying criminal activity and who are helpful to law enforcement in the investigation or prosecution of these crimes.

Alternatives: To provide victims with immigration benefits and services and keeping in mind the purpose of the U visa as a law enforcement tool, DHS is considering and using suggestions from stakeholders in developing this regulation. These suggestions came in the form of public comment from the 2007 interim final rule as well as USCIS' six years of experience with the U nonimmigrant status program, including regular meetings and outreach events with stakeholders and law enforcement.

Anticipated Cost and Benefits: DHS estimated the total annual cost of the interim rule to petitioners to be $6.2 million in the interim final rule published in 2007. This cost included the biometric services fee, the opportunity cost of time needed to submit the required forms, the opportunity cost of time required and cost of traveling to visit a USCIS Application Support Center. DHS is currently in the process of updating our cost estimates since U nonimmigrant visa petitioners are no longer required to pay the biometric services fee. The anticipated benefits of these expenditures include assistance to victims of qualifying criminal activity and their families and increases in arrests and prosecutions of criminals nationwide. Additional benefits include heightened awareness by law enforcement of victimization of aliens in their community, and streamlining the petitioning process so that victims may benefit from this immigration relief.

Risks: There is a statutory cap of 10,000 principal U nonimmigrant visas that may be granted per fiscal year at 8 U.S.C. 1184(p)(2). Eligible petitioners who are not granted principal U–1 nonimmigrant status due solely to the numerical limit will be placed on a waiting list maintained by U.S. Citizenship and Immigration Services (USCIS). To protect U–1 petitioners and their families, USCIS will use various means to prevent the removal of U–1 petitioners and their eligible family members on the waiting list, including exercising its authority to allow deferred action, parole, and stays of removal, in cooperation with other DHS components.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/07	72 FR 53013
Interim Final Rule Effective.	10/17/07	
Interim Final Rule Comment Period End.	11/17/07	
NPRM	10/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.

Additional Information: Transferred from RIN 1115–AG39.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Maureen A. Dunn, Chief, Family Immigration and Victim Protection Division, Department of

Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW., Suite 1200, Washington, DC 20529, *Phone:* 202 272–1470, *Fax:* 202 272–1480, *Email: maureen.a.dunn@uscis.dhs.gov*.

RIN: 1615–AA67

DHS—USCIS

52. Exception to the Persecution Bar for Asylum, Refugee, and Temporary Protected Status, and Withholding of Removal

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1158; 8 U.S.C. 1254a; Pub. L. 110–229

CFR Citation: 8 CFR 1; 8 CFR 207; 8 CFR 208; 8 CFR 240; 8 CFR 244; 8 CFR 1001; 8 CFR 1208; 8 CFR 1240.

Legal Deadline: None.

Abstract: This joint rule proposes amendments to Department of Homeland Security (DHS) and Department of Justice (DOJ) regulations to describe the circumstances under which an applicant will continue to be eligible for asylum, refugee, or temporary protected status, special rule cancellation of removal under the Nicaraguan Adjustment and Central American Relief Act, and withholding of removal, even if DHS or DOJ has determined that the applicant's actions contributed, in some way to the persecution of others when the applicant's actions were taken under duress.

Statement of Need: This rule resolves ambiguity in the statutory language precluding eligibility for asylum, refugee, and temporary protected status of an applicant who ordered, incited, assisted, or otherwise participated in the persecution of others. The proposed amendment would provide a limited exception for actions taken by the applicant under duress and clarify the required levels of the applicant's knowledge of the persecution.

Summary of Legal Basis: In *Negusie* v. *Holder,* 129 S. Ct. 1159 (2009), the Supreme Court addressed whether the persecutor bar should apply when an alien's actions were taken under duress. DHS believes that this is an appropriate subject for rulemaking and proposes to amend the applicable regulations to set out its interpretation of the statute. In developing this regulatory initiative, DHS has carefully considered the purpose and history behind enactment of the persecutor bar, including its international law origins and the criminal law concepts upon which they are based.

Alternatives: DHS did consider the alternative of not publishing a rulemaking on these issues. To leave this important area of the law without an administrative interpretation would confuse adjudicators and the public.

Anticipated Cost and Benefits: The programs affected by this rule exist so that the United States may respond effectively to global humanitarian situations and assist people who are in need. USCIS provides a number of humanitarian programs and protection to assist individuals in need of shelter or aid from disasters, oppression, emergency medical issues, and other urgent circumstances. This rule will advance the humanitarian goals of the asylum/refugee program, and other specialized programs. The main benefits of such goals tend to be intangible and difficult to quantify in economic and monetary terms. These forms of relief have not been available to individuals who engaged in persecution of others under duress. This rule will allow an exception to this bar from protection for applicants who can meet the appropriate evidentiary standard. Consequently, this rule may result in a small increase in the number of applicants for humanitarian programs. To the extent a small increase in applicants occurs, there could be additional fee costs incurred by these applicants.

Risks: If DHS were not to publish a regulation, the public would face a lengthy period of confusion on these issues. There could also be inconsistent interpretations of the statutory language, leading to significant litigation and delay for the affected public.

Timetable:

Action	Date	FR Cite
NPRM	10/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Agency Contact: Ronald W. Whitney, Deputy Chief, Refugee and Asylum Law Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529, *Phone:* 415 293–1244, *Fax:* 415 293–1269, *Email: ronald.w.whitney@uscis.dhs.gov*.

RIN: 1615–AB89

DHS—USCIS

53. Requirements for Filing Motions and Administrative Appeals

Priority: Other Significant.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 210; 8 CFR 214; 8 CFR 245a; 8 CFR 320; 8 CFR 105 (new); . . .

Legal Deadline: None.

Abstract: This proposed rule proposes to revise the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office (AAO). The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment of DHS and its components. The proposed changes are intended to promote simplicity, accessibility, and efficiency in the administration of USCIS appeals. The Department also solicits public comment on proposed changes to the AAO's appellate jurisdiction.

Statement of Need: This rule proposes to make numerous changes to streamline the current appeal and motion processes which: (1) Will result in cost savings to the Government, applicants, and petitioners; and (2) will provide for a more efficient use of USCIS officer and clerical staff time, as well as more uniformity with Board of Immigration Appeals appeal and motion processes.

Summary of Legal Basis: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101 and notes 1102, 1103, 1151, 1153, 1154, 1182, 1184, 1185 note (sec 7209 of Pub. L. 108–458; title VII of Pub. L. 110–229), 1186a, 1187, 1221,1223, 1225 to 1227, 1255a, and 1255a note, 1281, 1282, 1301 to 1305, 1324a, 1356, 1372, 1379, 1409(c), 1443 to 1444, 1448, 1452, 1455, 1641, 1731 to 1732; 31 U.S.C. 9701; 48 U.S.C. 1901, 1931 note; section 643, Public Law 104–208, 110, Stat. 3009–708; section 141 of the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau; title VII of Public Law 110–229; Public Law 107–296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*); Public Law 82–414, 66 Stat. 173, 238, 254, 264; title VII of Public Law 110–229; Executive Order 12356.

Alternatives: The alternative to this rule would be to continue under the current process without change.

Anticipated Cost and Benefits: As a result of streamlining the appeal and motion process, DHS anticipates quantitative and qualitative benefits to DHS and the public. We also anticipate cost savings to DHS and applicants as a result of the proposed changes.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: None.

Additional Information: Previously 1615–AB29 (CIS 2311–04), which was withdrawn in 2007.

Agency Contact: Charles ''Locky'' Nimick, Deputy Chief, Department of Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, 20 Massachusetts Avenue NW., Washington, DC 20529–2090, *Phone:* 703 224–4501, *Email: charles.nimick@usics.dhs.gov*.

Related RIN: Duplicate of 1615–AB29

RIN: 1615–AB98

DHS—USCIS

54. Significant Public Benefit Parole for Entrepreneurs

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 8 U.S.C. 1182(d)(5)(A)

CFR Citation: 8 CFR 212.5.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) is proposing to establish a program that would allow for consideration of parole into the United States, on a case-by-case basis, of certain inventors, researchers, and entrepreneurs who will establish a U.S. start-up entity, and who have been awarded substantial U.S. investor financing or otherwise hold the promise of innovation and job creation through the development of new technologies or the pursuit of cutting edge research. Based on investment, job-creation, and other factors, the entrepreneur may be eligible for temporary parole.

Statement of Need: The Immigration and Nationality Act (INA) authorizes the Secretary, in the exercise of discretion, to parole arriving aliens into the United States on a case-by-case basis for urgent humanitarian reasons or significant public benefit. INA section 212(d)(5), 8 U.S.C. 1182(d)(5). No existing regulation explains how DHS determines what provides a significant public benefit to the U.S. economy. This regulation clarifies this standard with respect to entrepreneur parolees.

This regulation focuses specifically on the significant economic public benefit provided by foreign entrepreneurs because of the particular benefit they bring to the U.S. economy. However, the full potential of foreign entrepreneurs to benefit the U.S. economy is limited by the fact that many foreign entrepreneurs do not qualify under existing nonimmigrant and immigrant classifications. Given the technical nature of entrepreneurship, and the limited guidance to date on what constitutes a significant public benefit, DHS believes that it is necessary to establish the conditions of such an economically-based significant public benefit parole by regulation. Combined with a unique application process, the goal is to ensure that the high standard set by the statute authorizing significant public benefit parole is uniformly met across adjudications.

In this rule, DHS is proposing to establish the conditions for significant public benefit parole with respect to certain entrepreneurs and start-up founders backed by U.S. investors or grants. DHS believes that this proposal, once implemented, would encourage entrepreneurs to create and develop start-up entities in the United States with high growth potential to create jobs for U.S. workers and benefit the U.S. economy. U.S. competitiveness would increase by attracting more entrepreneurs to the United States. This proposal provides a fair, transparent, and predictable framework by which DHS will exercise its discretion to adjudicate, on a case-by-case basis, such parole requests under the existing statutory authority at INA section 212(d)(5), 8 U.S.C. 1182(d)(5).

Lastly, this proposed rule provides a pathway, based on authority currently provided to the Secretary, for entrepreneurs to develop businesses in the United States, create jobs for U.S. workers, and, at the same time, establish a track record of experience and/or accomplishments. Such a track record may lead to meeting eligibility requirements for existing nonimmigrant or immigrant classifications.

Summary of Legal Basis: The Secretary's authority for this proposed regulatory amendment can be found in the Homeland Security Act of 2002, Public Law 107–296, section 102, 116 Stat. 2135, 6 U.S.C. 112, and INA section 103, 8 U.S.C. 1103, which give the Secretary the authority to administer and enforce the immigration and nationality laws, as well as INA section 212(d)(5), 8 U.S.C. 1182(d)(5), which refers to the Secretary's discretionary authority to grant parole and provides DHS with regulatory authority to establish terms and conditions for parole once authorized.

Alternatives:

Anticipated Cost and Benefits: DHS estimates the costs of the rule are directly linked to the application fee and opportunity costs associated with requesting significant public benefit parole. DHS does not estimate there will be any negative impacts to the U.S. economy as a result of this rule. Economic benefits can be expected from this rule, because some number of new ventures and research endeavors will be conducted in the United States that otherwise would not. It is reasonable to assume that investment and research spending on new firms associated with this proposed rule will directly and indirectly benefit the U.S. economy and job creation. In addition, innovation and research and development spending are likely to generate new patents and new technologies, further enhancing innovation. Some portion of the immigrant entrepreneurs likely to be attracted to this parole program may develop high impact firms that can be expected to contribute disproportionately to job creation.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Kevin J. Cummings, Chief, Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, *Phone:* 202 272–8377, *Fax:* 202 272–1480, *Email: kevin.j.cummings@uscis.dhs.gov*.

RIN: 1615–AC04

DHS—USCIS

55. Retention of EB–1, EB–2, and EB–3 Immigrant Workers and Program Improvements Affecting Highly-Skilled H–1B Alien Workers

Priority: Other Significant. Major under 5 U.S.C. 801.

Legal Authority: 6 U.S.C. 112; 8 U.S.C. 1154 and 1155; 8 U.S.C. 1184; 8 U.S.C. 1255; 8 U.S.C. 1324a

CFR Citation: 8 CFR 204 to 205; 8 U.S.C. 214; 8 CFR 245; 8 CFR 274a.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) is proposing to amend its regulations affecting certain employment-based immigrant and nonimmigrant classifications. This rule proposes to amend current regulations to provide stability and job flexibility for the beneficiaries of approved employment-based immigrant visa petitions while they wait to become lawful permanent residents. DHS is also proposing to conform its regulations with the American Competitiveness in the Twenty-First Century Act of 2000 (AC21) as amended by the Twenty-First Century Department of Justice Appropriations Authorization Act (the 21st Century DOJ Appropriations Act), as well as the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA). The rule also seeks to clarify several interpretive questions raised by ACWIA and AC21 regarding H–1B petitions, and incorporate relevant AC21 policy memoranda and an Administrative Appeals Office precedent decision, and would ensure that DHS practice is consistent with them.

Statement of Need: This rule provides needed stability and flexibility to certain employment-based immigrants while they wait to become lawful permanent residents. These amendments would support U.S. employers by better enabling them to hire and retain highly skilled and other foreign workers. DHS proposes to accomplish this, in part, by implementing certain provisions of ACWIA and AC21, as amended by the 21st Century DOJ Appropriations Act. The 21st Century DOJ Appropriations Authorization Act, which will impact certain foreign nationals seeking permanent residency in the United States, as well as H–1B workers. Further, by clarifying interpretive questions related to these provisions, this rulemaking would ensure that DHS practice is consistent with statute.

Summary of Legal Basis: The authority of the Secretary of Homeland Security (Secretary) for these regulatory amendments can be found in section 102 of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, 6 U.S.C. 112, and section 103(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1103(a), which authorize the Secretary to administer and enforce the immigration and nationality laws. In pertinent part, ACWIA authorized the Secretary to impose a fee on certain H–1B petitioners which would be used to train American workers, and AC21 provides authority to increase access to foreign workers as well as to train U.S. workers. In addition, section 274A(h)(3)(B) of the INA, 8 U.S.C. 1324a(h)(3)(B), recognizes the Secretary's authority to extend employment to noncitizens in the United States, and section 205 of the INA, 8 U.S.C. 1155, recognizes the Secretary's authority to exercise discretion in determining the revocability of any petition approved by him under section 204 of the INA.

Alternatives: The alternative would be to continue under current procedures without change.

Anticipated Cost and Benefits: The proposed amendments would increase the incentive of highly-skilled and other foreign workers who have begun the immigration process to remain in and contribute to the U.S. economy as they complete the process to adjust status to or otherwise acquire lawful permanent resident status, thereby minimizing disruptions to petitioning U.S. employers. Attracting and retaining highly-skilled persons is important when considering the contributions of these individuals to the U.S. economy, including advances in entrepreneurial and research and development endeavors, which are highly correlated with overall economic growth and job creation.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: 1615–AB97 will be merged under this rule, 1615–AC05.

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Related RIN: Related to 1615–AB97

RIN: 1615–AC05

DHS—USCIS

Final Rule Stage

56. Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for T Nonimmigrant Status

Priority: Other Significant.

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101 to 1104; 8 U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1187; 8 U.S.C. 1201; 8 U.S.C. 1224 to 1227; 8 U.S.C. 1252 to 1252a; 22 U.S.C. 7101; 22 U.S.C. 7105; Pub. L. 113–4

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299.

Legal Deadline: None.

Abstract: The T nonimmigrant classification was created by the Victims of Trafficking and Violence Protection Act of 2000, Public Law 106–386. The classification was designed for eligible victims of severe forms of trafficking in persons who aid law enforcement with their investigation or prosecution of the traffickers, and who can establish that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States. The rule streamlines application procedures and responsibilities for the Department of Homeland Security (DHS) and provides guidance to the public on how to meet certain requirements to obtain T nonimmigrant status. Several reauthorizations, including the Violence Against Women Reauthorization Act of 2013, Public Law 113–4, have made amendments to the T nonimmigrant status provisions in the Immigration and Nationality Act. This rule implements those amendments.

Statement of Need: This rule addresses the essential elements that must be demonstrated for classification as a T nonimmigrant alien and implements statutory amendments to these elements, streamlines the procedures to be followed by applicants to apply for T nonimmigrant status, and provides evidentiary guidance to assist in the application process.

Summary of Legal Basis: Section 107(e) of the Victims of Trafficking and Violence Protection Act of 2000 Public Law 106–386, as amended, established the T classification to provide immigration relief for certain eligible victims of severe forms of trafficking in persons who assist law enforcement

authorities in investigating and prosecuting the perpetrators of these crimes.

Alternatives: To provide victims with immigration benefits and services, keeping in mind the purpose of the T visa to also serve as a law enforcement tool, DHS is considering and using suggestions from stakeholders in developing this regulation. These suggestions came in the form of public comment to the 2002 interim final rule, as well as from over 10 years of experience with the T nonimmigrant status program, including regular meetings with stakeholders and regular outreach events.

Anticipated Cost and Benefits: Applicants for T nonimmigrant status do not pay application or biometric fees. The anticipated benefits of this rule include: Assistance to trafficked victims and their families; an increase in the number of cases brought forward for investigation and/or prosecution of traffickers in persons; heightened awareness by the law enforcement community of trafficking in persons; and streamlining the application process for victims.

Risks: There is a 5,000-person limit to the number of individuals who can be granted T–1 status per fiscal year. Eligible applicants who are not granted T–1 status due solely to the numerical limit will be placed on a waiting list maintained by U.S. Citizenship and Immigration Services (USCIS). To protect T–1 applicants and their families, USCIS will use various means to prevent the removal of T–1 applicants on the waiting list, and their family members who are eligible for derivative T status, including its existing authority to grant deferred action, parole, and stays of removal, in cooperation with other DHS components.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/02	67 FR 4784
Interim Final Rule Effective.	03/04/02	
Interim Final Rule Comment Period End.	04/01/02	
Interim Final Rule	06/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State.

Additional Information: Transferred from RIN 1115–AG19.

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RIN: 1615–AA59

DHS—USCIS

57. Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands

Priority: Other Significant.

Legal Authority: Pub. L. 110–229; 8 U.S.C. 1101 and note; 8 U.S.C. 1102; 8 U.S.C. 1103; 8 U.S.C. 1182 and note; 8 U.S.C. 1184; 8 U.S.C. 1187; 8 U.S.C. 1223; 8 U.S.C. 1225; 8 U.S.C. 1226; 8 U.S.C. 1227; 8 U.S.C. 1255; 8 U.S.C. 1185 note; 8 U.S.C. 48; U.S.C. 1806; 8 U.S.C. 1186a; 8 U.S.C. 1187; 8 U.S.C. 1221; 8 U.S.C. 1281; 8 U.S.C. 1282; 8 U.S.C. 1301 to 1305 and 1372; Pub. L. 104–208; Pub. L. 106–386; Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau, sec 141; 48 U.S.C. 1901 note and 1931 note; Pub. L. 105–100; Pub. L. 105–277; 8 U.S.C. 1324a

CFR Citation: 8 CFR 212.4(k)(1) and (2); 8 CFR 214.16(a), (b), (c) and (d); 8 CFR 245.1(d)(1)(v) and (vi); 8 CFR 274a.12(b)(24); 8 CFR 1245.1(d)(1)(v), (vi), and (vii); 8 CFR 2.

Legal Deadline: Final, Statutory, November 28, 2009, Consolidated Natural Resources Act (CNRA) of 2008.

Public Law 110–229, the Consolidated Natural Resources Act of 2008 (CNRA), was enacted on May 8, 2008. Title VII of this statute extended the provisions of the Immigration and Nationality Act (INA) to the Commonwealth of the Northern Mariana Islands (CNMI).

Abstract: This final rule amends the Department of Homeland Security (DHS) and the Department of Justice (DOJ) regulations to comply with the CNRA. The CNRA extends the immigration laws of the United States to the CNMI. This rule finalizes the interim rule and implements conforming amendments to their respective regulations.

Statement of Need: This rule finalizes the interim rule to conform existing regulations with the CNRA. Some of the changes implemented under the CNRA affect existing regulations governing both DHS immigration policy and procedures and proceedings before the immigration judges and the Board. Accordingly, it is necessary to make amendments both to the DHS regulations and to the DOJ regulations. The Secretary and the Attorney General are making conforming amendments to their respective regulations in this single rulemaking document.

Summary of Legal Basis: Congress extended the immigration laws of the United States to the CNMI. The stated purpose of the CNRA is to ensure effective border control procedures, to properly address national security and homeland security concerns by extending U.S. immigration law to the CNMI (phasing-out the CNMI's nonresident contract worker program while minimizing to the greatest extent practicable the potential adverse economic and fiscal effects of that phase-out), to maximize the CNMI's potential for future economic and business growth, and to assure worker protections from the potential for abuse and exploitation.

Alternatives:

Anticipated Cost and Benefits: Costs: The interim rule established basic provisions necessary for the application of the INA to the CNMI and updated definitions and existing DHS and DOJ regulations in areas that were confusing or in conflict with how they are to be applied to implement the INA in the CNMI. As such, that rule made no changes that had identifiable direct or indirect economic impacts that could be quantified. Benefits: This final rule makes regulatory changes in order to lessen the adverse impacts of the CNRA on employers and employees in the CNMI and assist the CNMI in its transition to the INA.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/28/09	74 FR 55725
Interim Final Rule Comment Period End.	11/27/09	
Correction	12/22/09	74 FR 67969
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: CIS 2460–08.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

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Related RIN: Related to 1615–AB76, Related to 1615–AB75

RIN: 1615–AB77

DHS—USCIS

58. Special Immigrant Juvenile Petitions

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1151; 8 U.S.C. 1153; 8 U.S.C. 1154

CFR Citation: 8 CFR 204; 8 CFR 205; 8 CFR 245.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) is amending its regulations governing the Special Immigrant Juvenile (SIJ) classification and related applications for adjustment of status to permanent resident. Special Immigrant Juvenile classification is a humanitarian-based immigration protection for children who cannot be reunified with one or both parents because of abuse, neglect, abandonment, or a similar basis found under State law. This final rule implements updates to eligibility requirements and other changes made by the Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110–457. DHS received comments on the proposed rule in 2011 and intends to issue a final rule in the coming year.

Statement of Need: This rule would address the eligibility requirements that must be met for SIJ classification and related adjustment of status, implement statutory amendments to these requirements, and provide procedural and evidentiary guidance to assist in the petition process.

Summary of Legal Basis: Congress established the SIJ classification in the Immigration Act of 1990 (IMMACT). The 1998 Appropriations Act amended the SIJ classification by limiting eligibility to children declared dependent on a juvenile court because of abuse, abandonment, or neglect and creating consent functions. The Trafficking Victims Protection Reauthorization Act of 2008 made many changes to the SIJ classification including: (1) Creating a requirement that the petitioner's reunification with one or both parents not be viable due to abuse, abandonment, neglect, or a similar basis under State law; (2) expanding the population of children who may be eligible to include those placed by a juvenile court with an individual or entity; (3) modifying the consent functions; (4) providing age-out protection; and (5) creating a timeframe for adjudications.

Alternatives: DHS is considering and using suggestions from stakeholders to keep in mind the vulnerable nature of abused, abandoned and neglected children in developing this regulation. These suggestions came in the form of public comment from the 2011 proposed rule.

Anticipated Cost and Benefits: In the 2011 proposed rule, DHS estimated there would be no additional regulatory compliance costs for petitioning individuals or any program costs for the Government as a result of the proposed amendments. Qualitatively, DHS estimated that the proposed rule would codify the practices and procedures currently implemented via internal policy directives issued by USCIS, thereby establishing clear guidance for petitioners. DHS is currently in the process of updating our final cost and benefit estimates.

Risks: The failure to promulgate a final rule in this area presents significant risk of further inconsistency and confusion in the law. The Government's interests in fair, efficient, and consistent adjudications would be compromised.

Timetable:

Action	Date	FR Cite
NPRM	09/06/11	76 FR 54978
NPRM Comment Period End.	11/07/11	
Final Rule	10/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

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RIN: 1615–AB81

DHS—USCIS

59. Enhancing Opportunities for H–1B1, CW–1, and E–3 Nonimmigrants and EB–1 Immigrants

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1151; 8 U.S.C. 1153; 8 U.S.C. 1154; 8 U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1186a; 8 U.S.C. 1255; 8 U.S.C. 1641; 8 U.S.C. 1187; 8 U.S.C. 1221; 8 U.S.C. 1281; 8 U.S.C. 1282; 8 U.S.C. 1301–1305 and 1372; Pub. L. 104–208, sec 643; Pub. L. 106–386; Compacts of Free Association with the Federated States of Micronesia and the Republic of Marshall Islands, and with the Government of Palau, sec 141; 48 U.S.C. 1901 note and 1931 note; Pub. L. 110–229; 8 U.S.C. 1258; 8 U.S.C. 1324a; 48 U.S.C. 1806; 8 U.S.C. 1102

CFR Citation: 8 CFR 204.5(i)(3)(ii)–(iv); 8 CFR 214.1(c)(1); 8 CFR 248.3(a); 8 CFR 274a.12(b)(9), (b)(20), (b)(23)–(25); 8 CFR 2.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) is updating the regulations to include nonimmigrant high-skilled specialty occupation professionals from Chile and Singapore (H–1B1) and from Australia (E–3) in the list of classes of aliens authorized for employment incident to status with a specific employer, to clarify that H–1B1 and principal E–3 nonimmigrants are allowed to work without having to separately apply to DHS for employment authorization. DHS is also amending the regulations to provide authorization for continued employment with the same employer if the employer has timely filed for an extension of the nonimmigrant's stay. DHS is also providing for this same continued work authorization for Commonwealth of the Northern Mariana Islands (CNMI)—Only Transitional Worker (CW–1) nonimmigrants if a Petition for a CNMI-Only Nonimmigrant Transitional Worker, Form I–129CW, is timely filed to apply for an extension of stay. In addition, DHS is updating the regulations describing the filing procedures for extensions of stay and change of status requests to include the principal E–3 and H–1B1 nonimmigrant classifications. These changes harmonize the regulations for E–3, H–1B1, and CW–1 nonimmigrant classifications with existing regulations for other, similarly situated nonimmigrant classifications. Finally, DHS is expanding the current list of evidentiary criteria for employment-based first preference (EB–1) outstanding professors and researchers to allow the submission of evidence comparable to the other forms of evidence already listed in the regulations. This harmonizes the regulations for EB–1 outstanding professors and researchers with other employment-based immigrant categories that already allow for submission of

comparable evidence. DHS is amending the regulations to benefit these high-skilled workers and CW–1 transitional workers by removing unnecessary hurdles that place such workers at a disadvantage when compared to similarly situated workers in other visa classifications.

Statement of Need: As proposed, this rule would improve the programs serving the E–3, H–1B1, and CW–1 nonimmigrant classifications and the EB–1 immigrant classification for outstanding professors and researchers. The proposed changes harmonize the regulations governing these classifications with regulations governing similar visa classifications by removing unnecessary hurdles that place E–3, H–1B1, CW–1 and certain EB–1 workers at a disadvantage.

Summary of Legal Basis: The Homeland Security Act of 2002, Public Law 107–296, section 102, 116 Stat. 2135 (Nov. 25, 2002), 6 U.S.C. 112, and the Immigration and Nationality Act of 1952 (INA), charge the Secretary of Homeland Security (Secretary) with administration and enforcement of the immigration and nationality laws. See INA section 103, 8 U.S.C. 1103.

Alternatives: A number of the changes are part of DHS's Retrospective Review Plan for Existing Regulations. During development of DHS's Retrospective Review Plan, DHS received a comment from the public requesting specific changes to the DHS regulations that govern continued work authorization for E–3 and H–1B1 nonimmigrants when an extension of status petition is timely filed, and to expand the types of evidence allowable in support of immigrant petitions for outstanding researchers or professors. This rule is responsive to that comment, and with the retrospective review principles of Executive Order 13563.

Anticipated Cost and Benefits: The E–3 and H–1B1 provisions do not impose any additional costs on petitioning employers, individuals or Government entities, including the Federal government. The regulatory amendments provide equity for E–3 and H–1B1 nonimmigrants relative to other employment-based nonimmigrants listed in 8 CFR 274a.12.(b)(20). This provision may also allow employers of E–3 or H–1B1 nonimmigrant workers to avoid the cost of lost productivity resulting from interruptions of work while an extension of stay petition is pending. The regulatory changes that clarify principal E–3 and H–1B1 nonimmigrant classifications are employment authorized incident to status with a specific employer and that these nonimmigrant classifications must file a petition with USCIS to make an extension of stay or change of status request, simply codify current practice and impose no additional costs. Likewise, the regulatory amendments governing CW–1 nonimmigrants would not impose any additional costs for petitioning employers or for CW–1 nonimmigrant workers. The benefits of the rule are to provide equity for CW–1 nonimmigrant workers whose extension of stay request is filed by the same employer relative to other CW–1 nonimmigrant workers. Additionally, this provision mitigates any potential distortion in the labor market for employers of CW–1 nonimmigrant workers created by current inconsistent regulatory provisions which currently offer an incentive to file for extensions of stay with new employers rather than current employers. The portion of the rule addressing the evidentiary requirements for the EB–1 outstanding professor and researcher employment-based immigrant classification allows for the submission of comparable evidence (achievements not listed in the criteria such as important patents or prestigious, peer-reviewed funding grants) for that listed in 8 CFR 204.5(i)(3)(i)(A) through (F) to establish that the EB–1 professor or researcher is recognized internationally as outstanding in his or her academic field. Harmonizing the evidentiary requirements for EB–1 outstanding professors and researchers with other comparable employment-based immigrant classifications provides equity for EB–1 outstanding professors and researchers relative to those other employment-based visa categories.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/12/14	79 FR 26870
NPRM Comment Period End.	07/11/14	
Final Action	01/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Includes Retrospective Review under Executive Order 13563.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

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RIN: 1615–AC00

DHS—USCIS

60. Expansion of Provisional Unlawful Presence Waivers of Inadmissibility

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1103; 8 U.S.C. 1182

CFR Citation: 8 CFR 212.7.

Legal Deadline: None.

Abstract: The Department of Homeland Security (DHS) is amending its regulations to expand eligibility for the provisional unlawful presence waiver of certain grounds of inadmissibility based on the accrual of unlawful presence to all aliens who are statutorily eligible for a waiver of such grounds, are seeking such a waiver in connection with an immigrant visa application, and meet other conditions. In relation to the statutory requirement that a waiver applicant must demonstrate that the denial of the waiver would result in extreme hardship to a qualifying relative, DHS is eliminating the restrictions currently contained in the provisional unlawful presence regulation that limits the qualifying relative to U.S. citizen spouses and parents. This rule permits an applicant for a provisional waiver to establish the eligibility requirement of showing extreme hardship to any qualifying relative named in the statutory waiver provision namely a U.S. citizen or lawful permanent resident spouses and parents.

Statement of Need: Currently, DHS allows certain immediate relatives who are in the United States to request a provisional unlawful presence waiver before departing for consular processing of their immigrant visas. Currently, this waiver process is only available to those immediate relatives whose sole ground of inadmissibility would be unlawful presence under section 212(a)(9)(B)(i) of the Immigration and Nationality Act (INA) and who can demonstrate that the denial of the waiver would result in extreme hardship to their U.S. citizen spouse or parent.

All other aliens seeking an immigrant visa through consular process who require a waiver of inadmissibility to

overcome the bars in INA section 212(a)(9)(B)(i) must file the waiver at the end of the consular processing and after the consular immigrant visa interview. Obtaining the waiver through this process can be lengthy. These aliens typically have to wait abroad for at least several months for a decision on their waiver applications and until a visa can be issued. During this period, applicants must endure separation from the U.S. citizen and lawful permanent resident family members in the United States, which, in turn, often results in emotional and financial hardships to some U.S. citizens, lawful permanent residents, and their families. Inefficiencies in this waiver process also create costs for the Federal Government.

As proposed, USCIS may grant a provisional unlawful presence waiver to aliens if they are statutorily eligible for an immigrant visa and for a waiver of inadmissibility based on unlawful presence. As proposed, this rule also would expand who may be considered a qualifying relative for purposes of the extreme hardship determination to include lawful permanent resident spouses and parents. The changes are made in the interest of family unity and customer service. This rule also removes from the affected regulations all unnecessary procedural instructions regarding office names and locations, position titles and responsibilities, and form numbers. These instructions are often unnecessary, and unrestricted USCIS' ability to better utilize its resources and serve its customers.

Summary of Legal Basis: 5 U.S.C. 301; 8 U.S.C. 1101, 1103, 1304, 1356; 31 U.S.C. 9701; Public Law 107296, 116 Stat. 2135; 6 U.S.C. 1 *et seq.;* E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2; Public Law 11254. 8 U.S.C. 1101 and note, 1102, 1103, 1182 and note, 1184, 1187, 1223, 1225, 1226, 1227, 1255, 1359; 8 U.S.C. 1185 note (section 7209 of Pub. L. 108458); 8 CFR part 2. Section 212.1(q) also issued under section 702, Public Law 110229, 122 Stat. 754, 854.

Alternatives: The alternative to this rule would be to continue under the current process without change.

Anticipated Cost and Benefits: As a result of expanding the population of aliens who would benefit from a streamlined immigrant visa process, DHS believes that both the affected population and the Federal Government will benefit. In addition to reducing the emotional hardship that U.S. citizen and lawful permanent resident families experience as a result of separation from their alien relatives, DHS anticipates these families would experience fewer financial burdens associated with traveling abroad. Finally, this rule would increase USCIS and DOS efficiencies by streamlining the waiver process for unlawful presence for the expanded group.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	07/22/15	80 FR 43338
NPRM Comment Period End.	09/21/15	
Final Action	04/00/16	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

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Related RIN: Related to 1615–AB99

RIN: 1615–AC03

DHS—U.S. COAST GUARD (USCG)

Final Rule Stage

61. Inspection of Towing Vessels

Priority: Other Significant.

Legal Authority: 46 U.S.C. 3103; 46 U.S.C. 3301; 46 U.S.C. 3306; 46 U.S.C. 3308; 46 U.S.C. 3316; 46 U.S.C. 3703; 46 U.S.C. 8104; 46 U.S.C. 8904; DHS Delegation No. 0170.1

CFR Citation: 46 CFR 2; 46 CFR 15; 46 CFR 136 to 144.

Legal Deadline: NPRM, Statutory, January 13, 2011. Final, Statutory, October 15, 2011. On October 15, 2010, the Coast Guard Authorization Act of 2010 was enacted as Public Law 111–281. It requires that a proposed rule be issued within 90 days after enactment and that a final rule be issued within 1 year of enactment.

Abstract: This rulemaking would implement a program of inspection for certification of towing vessels, which were previously uninspected. It would prescribe standards for safety management systems and third-party auditors and surveyors, along with standards for construction, operation, vessel systems, safety equipment, and recordkeeping.

Statement of Need: This rulemaking would implement section 415 of the Coast Guard and Maritime Transportation Act of 2004. The intent of the proposed rule is to promote safer work practices and reduce casualties on towing vessels by ensuring that towing vessels adhere to prescribed safety standards. This proposed rule was developed in cooperation with the Towing Vessel Safety Advisory Committee. It would establish a new subchapter dedicated to towing vessels, covering vessel equipment, systems, operational standards, and inspection requirements.

Summary of Legal Basis: Proposed new subchapter authority: 46 U.S.C. 3103, 3301, 3306, 3308, 3316, 8104, 8904; 33 CFR 1.05; DHS Delegation 0170.1. The Coast Guard and Maritime Transportation Act of 2004 (CGMTA 2004), Public Law 108–293, 118 Stat. 1028, (Aug. 9, 2004), established new authorities for towing vessels as follows: section 415 added towing vessels, as defined in section 2101 of title 46, United States Code (U.S.C.), as a class of vessels that are subject to safety inspections under chapter 33 of that title (Id. at 1047). Section 415 also added new section 3306(j) of title 46, authorizing the Secretary of Homeland Security to establish, by regulation, a safety management system appropriate for the characteristics, methods of operation, and nature of service of towing vessels (Id.). Section 409 added new section 8904(c) of title 46, U.S.C., authorizing the Secretary to establish, by regulation, ''maximum hours of service (including recording and recordkeeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).'' (Id. at 1044–45.)

Alternatives: We considered the following alternatives for the notice of proposed rulemaking (NPRM): One regulatory alternative would be the addition of towing vessels to one or more existing subchapters that deal with other inspected vessels, such as cargo and miscellaneous vessels (subchapter I), offshore supply vessels (subchapter L), or small passenger vessels (subchapter T). We do not believe, however, that this approach would recognize the often ''unique'' nature and characteristics of the towing industry in general and towing vessels in particular. The same approach could be adopted for use of a safety management system by requiring compliance with title 33, Code of Federal Regulations, part 96 (Rules for the Safe Operation of Vessels and Safety Management Systems). Adoption of these requirements, without an alternative safety management system, would also not be ''appropriate for the characteristics, methods of operation, and nature of service of towing vessels.'' The Coast Guard has had extensive public

involvement (four public meetings, over 100 separate comments submitted to the docket, as well as extensive ongoing dialogue with members of the Towing Safety Advisory Committee (TSAC)) regarding development of these regulations. Adoption of one of the alternatives discussed above would likely receive little public or industry support, especially considering the TSAC efforts toward development of standards to be incorporated into a separate subchapter dealing specifically with the inspection of towing vessels. An approach that would seem to be more in keeping with the intent of Congress would be the adoption of certain existing standards from those applied to other inspected vessels. In some cases, these existing standards would be appropriately modified and tailored to the nature and operation of certain categories of towing vessels. The adopted standards would come from inspected vessels that have demonstrated ''good marine practice'' within the maritime community. These regulations would be incorporated into a subchapter specifically addressing the inspection for certification of towing vessels. The law requiring the inspection for certification of towing vessels is a statutory mandate, compelling the Coast Guard to develop regulations appropriate for the nature of towing vessels and their specific industry.

Anticipated Cost and Benefits: We estimate that, as a result of this rulemaking, owners and operators of towing vessels would incur additional annualized costs, discounted at 7 percent, in the range of $14.3 million to $17.1 million. The cost of this rulemaking would involve provisions for safety management systems, standards for construction, operation, vessel systems, safety equipment, and recordkeeping. Our cost assessment includes existing and new vessels. The Coast Guard developed the requirements in the proposed rule by researching both the human factors and equipment failures that caused towing vessel accidents. We believe that the proposed rule would address a wide range of causes of towing vessel accidents and supports the main goal of improving safety in the towing industry. The primary benefit of the proposed rule is an increase in vessel safety and a resulting decrease in the risk of towing vessel accidents and their consequences. We estimate an annualized benefit of $28.5 million from this rule.

Risks: This regulatory action would reduce the risk of towing vessel accidents and their consequences. Towing vessel accidents result in fatalities, injuries, property damage, pollution, and delays.

Timetable:

Action	Date	FR Cite
NPRM	08/11/11	76 FR 49976
Notice of Public Meetings.	09/09/11	76 FR 55847
NPRM Comment Period End.	12/09/11	
Final Rule	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: State.

Additional Information: Docket ID USCG–2006–24412.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: LCDR William Nabach, Project Manager, Office of Operating & Environmental Standards, CG–OES–2, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1386, *Email: william.a.nabach@uscg.mil*.

RIN: 1625–AB06

DHS—USCG

62. Transportation Worker Identification Credential (TWIC); Card Reader Requirements

Priority: Other Significant.

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191; 50 U.S.C. 192; E.O. 12656

CFR Citation: 33 CFR, subchapter H.

Legal Deadline: Final, Statutory, August 20, 2010, SAFE Port Act, codified at 46 U.S.C. 70105(k). The final rule is required two years after the commencement of the pilot program.

The final rule is required two years after the commencement of the pilot program.

Abstract: The Coast Guard is establishing electronic card reader requirements for maritime facilities and vessels to be used in combination with TSA's Transportation Worker Identification Credential (TWIC). Congress enacted several statutory requirements within the Security and Accountability for Every (SAFE) Port Act of 2006 to guide regulations pertaining to TWIC readers, including the need to evaluate TSA's final pilot program report as part of the TWIC reader rulemaking. During the rulemaking process, we will take into account the final pilot data and the various conditions in which TWIC readers may be employed. For example, we will consider the types of vessels and facilities that will use TWIC readers, locations of secure and restricted areas, operational constraints, and need for accessibility. Recordkeeping requirements, amendments to security plans, and the requirement for data exchanges (*i.e.,* Canceled Card List) between TSA and vessel or facility owners/operators will also be addressed in this rulemaking.

Statement of Need: The Maritime Transportation Security Act (MTSA) of 2002 explicitly required the issuance of a biometric transportation security card to all U.S. merchant mariners and to workers requiring unescorted access to secure areas of MTSA-regulated facilities and vessels. On May 22, 2006, the Transportation Security Administration (TSA) and the Coast Guard published a notice of proposed rulemaking (NPRM) to carry out this statute, proposing a Transportation Worker Identification Credential (TWIC) Program where TSA conducts security threat assessments and issues identification credentials, while the Coast Guard requires integration of the TWIC into the access control systems of vessels, facilities, and Outer Continental Shelf facilities. Based on comments received during the public comment period, TSA and the Coast Guard split the TWIC rule. The final TWIC rule, published in January 2007, addressed the issuance of the TWIC and use of the TWIC as a visual identification credential at access control points. In an ANPRM, published in March 2009, and a NPRM, published in March 2013, the Coast Guard proposed a risk-based approach to TWIC reader requirements and included proposals to classify MTSA-regulated vessels and facilities into one of three risk groups, based on specific factors related to TSI consequence, and apply TWIC reader requirements for vessels and facilities in conjunction with their relative risk-group placement. This rulemaking is necessary to comply with the SAFE Port Act and to complete the implementation of the TWIC Program in our ports. By requiring electronic card readers at vessels and facilities, the Coast Guard will further enhance port security and improve access control measures.

Summary of Legal Basis: The statutory authorities for the Coast Guard to prescribe, change, revise, or amend these regulations are provided under 33 U.S.C. 1226, 1231; 46 U.S.C. chapter 701; 50 U.S.C. 191, 192; Executive Order

12656, 3 CFR 1988 Comp., p. 585; 33 CFR 1.05–1, 6.04–11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.1.

Alternatives: The implementation of TWIC reader requirements is mandated by the SAFE Port Act. We considered several alternatives in the formulation of this proposal. These alternatives were based on risk analysis of different combinations of facility and vessel populations facing TWIC reader requirements. The preferred alternative selected allowed the Coast Guard to target the highest risk entities while minimizing the overall burden.

Anticipated Cost and Benefits: The main cost drivers of this rule are the acquisition and installation of TWIC readers and the maintenance of the affected entity's TWIC reader system. Initial costs, which we would distribute over a phased-in implementation period, consist predominantly of the costs to purchase, install, and integrate approved TWIC readers into their current physical access control system. Recurring annual costs will be driven by costs associated with canceled card list updates, opportunity costs associated with delays and replacement of TWICs that cannot be read, and maintenance of the affected entity's TWIC reader system. As reported in the NPRM Regulatory Analysis, the total 10-year total industry and government cost for the TWIC is $234.3 million undiscounted and $186.1 discounted at 7 percent. We estimate the annualized cost of this rule to industry to be $26.5 million at a 7 percent discount rate. The benefits of the rulemaking include the enhancement of the security of vessel ports and other facilities by ensuring that only individuals who hold valid TWICs are granted unescorted access to secure areas at those locations.

Risks: USCG used risk-based decision-making to develop this rulemaking. Based on this analysis, the Coast Guard has proposed requiring higher-risk vessels and facilities to meet the requirements for electronic TWIC inspection, while continuing to allow lower-risk vessels and facilities to use TWIC as a visual identification credential.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/09	74 FR 13360
Notice of Public Meeting.	04/15/09	74 FR 17444
ANPRM Comment Period End.	05/26/09	
Notice of Public Meeting Comment Period End.	05/26/09	
NPRM	03/22/13	78 FR 20558
NPRM Comment Period Extended.	05/10/13	78 FR 27335
NPRM Comment Period Extended End.	06/20/13	
Final Rule	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: None.

Additional Information: Docket ID USCG–2007–28915.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: LT Mason Wilcox, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–FAC–2), 2703 Martin Luther King Jr. Avenue SE., STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1123, *Email: mason.c.wilcox@uscg.mil*.

Related RIN: Related to 1625–AB02

RIN: 1625–AB21

DHS—U.S. CUSTOMS AND BORDER PROTECTION (USCBP)

Proposed Rule Stage

63. Air Cargo Advance Screening (ACAS)

Priority: Other Significant.

Legal Authority: 19 U.S.C. 2071 note

CFR Citation: 19 CFR 122.

Legal Deadline: None.

Abstract: U.S. Customs and Border Protection (CBP) is proposing to amend the implementing regulations of the Trade Act of 2002 regarding the submission of advance electronic information for air cargo and other provisions to provide for the Air Cargo Advance Screening (ACAS) program. ACAS would require the submission of certain advance electronic information for air cargo. This will allow CBP to better target and identify dangerous cargo and ensure that any risk associated with such cargo is mitigated before the aircraft departs for the United States. CBP, in conjunction with Transportation Security Administration, has been operating ACAS as a voluntary pilot program since 2010 and would like to implement ACAS as a regulatory program.

Statement of Need: DHS has identified an elevated risk associated with cargo being transported to the United States by air. This rule will help address this risk by giving DHS the data it needs to improve targeting of the cargo prior to takeoff.

Summary of Legal Basis:

Alternatives: In addition to the proposed rule, CBP analyzed two alternatives—Requiring the data elements to be transmitted to CBP further in advance than the proposed rule requires; and requiring fewer data elements. CBP concluded that the proposal rule provides the most favorable balance between security outcomes and impacts to air transportation.

Anticipated Cost and Benefits: To improve CBP's risk assessment and targeting capabilities and to enable CBP to target and identify risk cargo prior to departure of the aircraft to the United States, ACAS would require the submission of certain of the advance electronic information for air cargo earlier in the process. In most cases, the information would have to be submitted as early as practicable, but no later than prior to the loading of cargo onto an aircraft at the last foreign port of departure to the United States. CBP, in conjunction with TSA, has been operating ACAS as a voluntary pilot program since 2010. CBP believes this pilot program has proven successful by not only mitigating risks to the United States, but also minimizing costs to the private sector. As such, CBP is proposing to transition the ACAS pilot program into a permanent program. Costs of this program to carriers include one-time costs to upgrade systems to facilitate transmission of these data to CBP and recurring per transmission costs. Benefits of the program include improved security that will result from having these data further in advance.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Agency Contact: Craig Clark, Program Manager, Vessel Manifest & Importer Security Filing, Office of Cargo and Conveyance Security, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229,

Phone: 202 344–3052, *Email: craig.clark@cbp.dhs.gov*.

RIN: 1651–AB04

DHS—USCBP

Final Rule Stage

64. Definition of Form I–94 To Include Electronic Format

Priority: Other Significant.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1201; 8 U.S.C. 1301; 8 U.S.C. 1303 to 1305; 5 U.S.C. 301; Pub. L. 107–296, 116 stat 2135; 6 U.S.C. 1 *et seq.*

CFR Citation: 8 CFR 1.4; 8 CFR 264.1(b).

Legal Deadline: None.

Abstract: The Form I–94 is issued to certain aliens upon arrival in the United States or when changing status in the United States. The Form I–94 is used to document arrival and departure and provides evidence of the terms of admission or parole. Customs and Border Protection (CBP) is transitioning to an automated process whereby it will create a Form I–94 in an electronic format based on passenger, passport, and visa information currently obtained electronically from air and sea carriers and the Department of State as well as through the inspection process. Prior to this rule, the Form I–94 was solely a paper form that was completed by the alien upon arrival. After the implementation of the Advance Passenger Information System (APIS) following 9/11, CBP began collecting information on aliens traveling by air or sea to the United States electronically from carriers in advance of arrival. For aliens arriving in the United States by air or sea, CBP obtains almost all of the information contained on the paper Form I–94 electronically and in advance via APIS. The few fields on the Form I–94 that are not collected via APIS are either already collected by the Department of State and transmitted to CBP or can be collected by the CBP officer from the individual at the time of inspection. This means that CBP no longer needs to collect Form I–94 information as a matter of course directly from aliens traveling to the United States by air or sea. At this time, the automated process will apply only to aliens arriving at air and sea ports of entry.

Statement of Need: This rule makes the necessary changes to the regulations to enable CBP to transition to an automated process whereby CBP will create an electronic Form I–94 based on the information in its databases.

Summary of Legal Basis: Section 103(a) of the Immigration and Nationality Act (INA) generally authorizes the Secretary of Homeland Security to establish such regulations and prescribe such forms of reports, entries, and other papers necessary to carry out his or her authority to administer and enforce the immigration and nationality laws and to guard the borders of the United States against illegal entry of aliens.

Alternatives: CBP considered two alternatives to this rule: eliminating the paper Form I–94 in the air and sea environments entirely and providing the paper Form I–94 to all travelers who are not B–1/B–2 travelers. Eliminating the paper Form I–94 option for refugees, applicants for asylum, parolees, and those travelers who request one would not result in a significant cost savings to CBP and would harm travelers who have an immediate need for an electronic Form I–94 or who face obstacles to accessing their electronic Form I–94. A second alternative to the rule is to provide a paper Form I–94 to any travelers who are not B–1/B–2 travelers. Under this alternative, travelers would receive and complete the paper Form I– 94 during their inspection when they arrive in the United States. The electronic Form I–94 would still be automatically created during the inspection, but the CBP officer would need to verify that the information appearing on the form matches the information in CBP's systems. In addition, CBP would need to write the Form I–94 number on each paper Form I–94 so that their paper form matches the electronic record. As noted in the analysis, 25.1 percent of aliens are non-B–1/B–2 travelers. Filling out and processing this many paper Forms I–94 at airports and seaports would increase processing times considerably. At the same time, it would only provide a small savings to the individual traveler.

Anticipated Cost and Benefits: With the implementation of this rule, CBP will no longer collect Form I–94 information as a matter of course directly from aliens traveling to the United States by air or sea. Instead, CBP will create an electronic Form I–94 for foreign travelers based on the information in its databases. This rule makes the necessary changes to the regulations to enable CBP to transition to an automated process. Both CBP and aliens would bear costs as a result of this rule. CBP would bear costs to link its data systems and to build a Web site so aliens can access their electronic Forms I–94. CBP estimates that the total cost for CBP to link data systems, develop a secure Web site, and fully automate the Form I–94 fully will equal about $1.3 million in calendar year 2012. CBP will incur costs of $0.09 million in subsequent years to operate and maintain these systems. Aliens arriving as diplomats and students would bear costs when logging into the Web site and printing electronic I–94s. The temporary workers and aliens in the ''Other/Unknown'' category bear costs when logging into the Web site, traveling to a location with public internet access, and printing a paper copy of their electronic Form I–94. Using the primary estimate for a traveler's value of time, aliens would bear costs between $36.6 million and $46.4 million from 2013 to 2016. Total costs for this rule for 2013 would range from $34.2 million to $40.1 million, with a primary estimate of costs equal to $36.7 million. CBP, carriers, and foreign travelers would accrue benefits as a result of this rule. CBP would save contract and printing costs of $15.6 million per year of our analysis. Carriers would save a total of $1.3 million in printing costs per year. All aliens would save the eight-minute time burden for filling out the paper Form I–94 and certain aliens who lose the Form I–94 would save the $330 fee and 25-minute time burden for filling out the Form I–102. Using the primary estimate for a traveler's value of time, aliens would obtain benefits between $112.6 million and $141.6 million from 2013 to 2016. Total benefits for this rule for 2013 would range from $110.7 million to $155.6 million, with a primary estimate of benefits equal to $129.5 million. Overall, this rule results in substantial cost savings (benefits) for foreign travelers, carriers, and CBP. CBP anticipates a net benefit in 2013 of between $59.7 million and $98.7 million for foreign travelers, $1.3 million for carriers, and $15.5 million for CBP. Net benefits to U.S. entities (carriers and CBP) in 2013 total $16.8 million. CBP anticipates the total net benefits to both domestic and foreign entities in 2013 range from $76.5 million to $115.5 million. In our primary analysis, the total net benefits are $92.8 million in 2013. For the primary estimate, annualized net benefits range from $78.1 million to $80.0 million, depending on the discount rate used. More information on costs and benefits can be found in the interim final rule.

Risks: N/A.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/27/13	78 FR 18457

Action	Date	FR Cite
Interim Final Rule Comment Period End.	04/26/13	
Interim Final Rule Effective.	04/26/13	
Final Action	02/00/16	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Suzanne Shepherd, Director, Electronic System for Travel Authorization, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–2073, *Email:* *suzanne.m.shepherd@cbp.dhs.gov*.

RIN: 1651–AA96

DHS—TRANSPORTATION SECURITY ADMINISTRATION (TSA)

Proposed Rule Stage

65. Security Training for Surface Mode Employees

Priority: Other Significant.

Legal Authority: 49 U.S.C. 114; Pub. L. 110–53, secs 1408, 1517, and 1534

CFR Citation: 49 CFR 1520; 49 CFR 1570; 49 CFR 1580; 49 CFR 1582 (new); 49 CFR 1584 (new).

Legal Deadline: Final, Statutory, November 1, 2007, Interim Rule for public transportation agencies is due 90 days after date of enactment.

Final, Statutory, August 3, 2008, Rule for public transportation agencies is due one year after date of enactment.

Final, Statutory, February 3, 2008, Rule for railroads and over-the-road buses is due six months after date of enactment.

According to sec 1408 of Pub. L. 110–53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), interim final regulations for public transportation agencies are due 90 days after the date of enactment (Nov. 1, 2007), and final regulations are due 1 year after the date of enactment of this Act. According to sec 1517 of the same Act, final regulations for railroads and over-the-road buses are due no later than 6 months after the date of enactment.

Abstract: This rule would require security awareness training for front-line employees for potential terrorism-related security threats and conditions pursuant to the 9/11 Act. This rule would apply to higher-risk public transportation, freight rail, and over-the-road bus owner/operators and take into consideration the many actions higher-risk owner/operators have already taken since 9/11 to enhance the baseline of security through training of their employees. The rulemaking will also propose extending security coordinator and reporting security incident requirements applicable to rail operators under current 49 CFR part 1580 to the non-rail transportation components of covered public transportation agencies and over-the-road buses.

Statement of Need: Employee training is an important and effective tool for averting or mitigating potential attacks by those with malicious intent who may target surface transportation and plan or perpetrate actions that may cause significant injuries, loss of life, or economic disruption.

Summary of Legal Basis: 49 U.S.C. 114; sections 1408, 1517, and 1534 of Public Law 110–53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives: TSA is required by statute to publish regulations requiring security training programs for these owner/operators. As part of its notice of proposed rulemaking, TSA will seek public comment on the alternative ways in which the final rule could carry out the requirements of the statute.

Anticipated Cost and Benefits: TSA is in the process of determining the costs and benefits of this rulemaking.

Risks: The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By providing for security training for personnel, TSA intends in this rulemaking to reduce the risk of a terrorist attack on this transportation sector.

Timetable:

Action	Date	FR Cite
NPRM	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Local.

Agency Contact: Chandru (Jack) Kalro, Deputy Director, Surface Division, Office of Security Policy and Industry Engagement, Department of Homeland Security, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–1145, *Fax:* 571 227–2935, *Email:* *surfacefrontoffice@tsa.dhs.gov*.

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Related RIN: Related to 1652–AA56, Merged with 1652–AA57, Merged with 1652–AA59

RIN: 1652–AA55

DHS—TSA

Final Rule Stage

66. Passenger Screening Using Advanced Imaging Technology

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 44925

CFR Citation: 49 CFR 1540.107.

Legal Deadline: None.

Abstract: The Transportation Security Administration (TSA) intends to issue a final rule to address whether screening and inspection of an individual, conducted to control access to the sterile area of an airport or to an aircraft, may include the use of advanced imaging technology (AIT). The notice of proposed rulemaking (NPRM) was published on March 26, 2013, to comply with the decision rendered by the U.S. Court of Appeals for the District of Columbia Circuit in *Electronic Privacy Information Center (EPIC)* v. *U.S. Department of Homeland Security* on July 15, 2011. 653 F.3d 1 (D.C. Cir. 2011). The Court directed TSA to conduct notice and comment rulemaking on the use of AIT in the primary screening of passengers.

Statement of Need: TSA is issuing this rulemaking to respond to the decision of the *U.S. Court of Appeals for the District of Columbia Circuit in EPIC* v. *DHS* 653 F.3d 1 (D.C. Cir. 2011).

Summary of Legal Basis: In its decision in *EPIC* v. *DHS* 653 F.3d 1 (D.C. Cir. 2011), the Court of Appeals for the District of Columbia Circuit found

that TSA failed to justify its failure to conduct notice and comment rulemaking and remanded to TSA for further proceedings.

Alternatives: As alternatives to the preferred regulatory proposal presented in the NPRM, TSA examined three other options. These alternatives include a continuation of the screening environment prior to 2008 (no action), increased use of physical pat-down searches that supplements primary screening with walk through metal detectors (WTMDs), and increased use of explosive trace detection (ETD) screening that supplements primary screening with WTMDs. These alternatives, and the reasons why TSA rejected them in favor of the proposed rule, are discussed in detail in chapter 3 of the AIT NPRM regulatory evaluation impact analysis.

Anticipated Cost and Benefits: TSA reports in the NPRM that the net cost of AIT deployment from 2008–2011 has been $841.2 million (undiscounted) and that TSA has borne over 99 percent of all costs related to AIT deployment. TSA projects that from 2012–2015 net AIT related costs will be approximately $1.5 billion (undiscounted), $1.4 billion at a three percent discount rate, and $1.3 billion at a seven percent discount rate. During 2012–2015, TSA estimates it will also incur over 98 percent of AIT-related costs with equipment and personnel costs being the largest categories of expenditures. The operations described in this rule produce benefits by reducing security risks through the deployment of AIT that is capable of detecting both metallic and non-metallic weapons and explosives. Terrorists continue to test security measures in an attempt to find and exploit vulnerabilities. The threat to aviation security has evolved to include the use of non-metallic explosives. AIT is a proven technology based on laboratory testing and field experience and is an essential component of TSA's security screening because it provides the best opportunity to detect metallic and nonmetallic anomalies concealed under clothing. More information about costs and benefits can be found in the Notice of Proposed Rulemaking. TSA is in the process of determining the costs and benefits of the final rule.

Risks: DHS aims to prevent terrorist attacks and to reduce the vulnerability of the United States to terrorism. By screening passengers with AIT, TSA will reduce the risk that a terrorist will smuggle a non-metallic threat on board an aircraft.

Timetable:

Action	Date	FR Cite
NPRM	03/26/13	78 FR 18287
NPRM Comment Period End.	06/24/13	
Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

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RIN: 1652–AA67

DHS—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (USICE)

Proposed Rule Stage

67. Improving and Expanding Training Opportunities for F–1 Nonimmigrant Students With STEM Degrees and Expanding CAP–GAP Relief for All F–1 Students With Pending H–1B Petitions

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1221; 8 U.S.C. 1281 and 1282; 8 U.S.C. 1302 to 1305

CFR Citation: 8 CFR 214; 8 CFR 274a.

Legal Deadline: None.

Abstract: The Department of Homeland Security is proposing a new rule to enhance opportunities for F–1 nonimmigrant students graduating with a science, technology, engineering, or mathematics (STEM) degree from an accredited school certified by U.S. Immigration and Custom Enforcement (ICE) Student and Exchange Visitor Program (SEVP), and to further their courses of study through optional practical training (OPT) with employers enrolled in the U.S. Citizenship and Immigration Services' (USCIS') E-Verify employment verification program. The proposed rule would replace a 2008 interim final rule (IFR) that was invalidated and will be vacated on February 12, 2016, per a ruling by the U.S. District Court for the District of Columbia on August 12, 2015, in the *Washington Alliance of Technology Workers* v. *U.S. Department of Homeland Security* litigation.

Statement of Need: This proposed rule would enhance the academic experience of STEM OPT students, increase the overall competitiveness of U.S. educational institutions, and provide important benefits to the U.S. economy.

Summary of Legal Basis:

Alternatives:

Anticipated Cost and Benefits: Not yet determined.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/19/15	80 FR 63375
NPRM Comment Period End.	11/18/15	
Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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Molly Stubbs, ICE Regulatory Coordinator, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Office of the Director, PTN—Potomac Center North, 500 12th Street SW., Washington, DC 20536, *Phone:* 202 732–6202, *Email: molly.stubbs@ice.dhs.gov.*

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Fall 2015 Statement of Regulatory Priorities

Introduction—HUD's Mission

Secretary Julián Castro has called the Department of Housing and Urban Development (HUD) the Department of Opportunity because of the unique impact it can make on the lives of Americans. As Secretary Castro has noted, where people live shapes how they live—the types and number of available jobs, the quality of the education their children receive, and the overall quality of life.[1] Although one of HUD's core objectives is to help families secure quality, affordable housing, its mission is much broader. HUD celebrated the 50th anniversary of its establishment in September 2015. President Lyndon Johnson, in his remarks on the passage of the legislation in 1965 establishing HUD, provided a clear and succinct statement of the objectives for the new Department: ''to make sure that every family in America lives in a home of dignity and a neighborhood of pride, a community of opportunity, and a city of promise and hope.'' [2]

In brief, HUD's mission is to provide families and communities with the tools to build a brighter future. Consistent with this vision, HUD programs impact small towns, big cities, rural communities, and tribal communities across the country. HUD works to strengthen the housing market and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; and build inclusive and sustainable communities free from discrimination.

Statement of Regulatory Priorities

This Statement of Regulatory Priorities, together with HUD's Fall Semiannual Agenda of Regulations, highlights the most significant regulatory and deregulatory initiatives that HUD seeks to complete during the upcoming fiscal year.

As noted in the Introduction, a central feature of HUD's mission is to use housing as a platform for improving quality of life. HUD housing serves at least two broad populations: people who are in a position to markedly increase their self-sufficiency and people who will need long-term support (for example, the frail elderly and people with severe disabilities). For those individuals who are able, increasing self-sufficiency requires access to life-skills training, wealth-creation and asset-building opportunities, job training, and career services.

Knowledge is one pillar to achieving self-sufficiency and the American Dream—a catalyst for upward mobility, as well as an investment that ensures each generation is, at least, as successful as the last. The adoption, associated programming, and use of broadband technology are powerful tools to increase access to knowledge; however, there is a ''digital divide'' in this nation between those with broadband Internet access and those without it.

This Statement of Regulatory Priorities highlights two rules that will focus on narrowing the digital divide in low-income communities served by HUD.

Regulatory Priority: Narrowing the Digital Divide in HUD Communities

On March 23, 2015, President Obama issued a Presidential Memorandum on ''Expanding Broadband Deployment and Adoption by Addressing Regulatory Barriers and Encouraging Investment and Training.'' [3] In this memorandum, the President noted that access to high-speed broadband is no longer a luxury, but a necessity for American families, businesses, and consumers. Mobile wireless access to the Internet, such as provided through smartphone, is an insufficient alternative to broadband connectivity. Such wireless access provides lower connection speeds and lesser functionality for the full range of household uses (such as word processing and other software) compared to place-based broadband Internet connection. The President further noted that the Federal government has an important role to play in developing coordinated policies to promote broadband deployment and adoption, including promoting best practices, breaking down regulatory barriers, and encouraging further investment.

On July 15, 2015, HUD launched its Digital Opportunity Demonstration, known as ''ConnectHome,'' in which HUD provided a platform for collaboration among local governments, public housing agencies, Internet service providers, philanthropic foundations, nonprofit organizations, and other relevant stakeholders to work together to produce local solutions for narrowing the digital divide in communities served by HUD across the nation. The demonstration, or pilot as it is also called, commenced with the participation of 28 communities. Through contributions made by the Internet service providers and other participating organizations, these 28 communities will benefit from the ConnectHome collaboration by receiving, for the residents living in HUD public and assisted housing in these communities, broadband infrastructure, literacy training, related content, and devices that provide for accessing high-speed Internet.[4]

The importance of all Americans having access to the Internet cannot be overstated. As HUD stated in its announcement of the Digital Opportunity Demonstration, published in the **Federal Register** on April 3, 2015, at 80 FR 18248, many low-income Americans do not have broadband Internet at home, contributing to the estimated 66 million Americans who are without the most basic digital literacy skills. It is for these reasons that HUD is exploring ways beyond ConnectHome, to narrow the digital divide for the low-income individuals and families served by HUD multifamily rental housing programs.

The following two rules featured in this Regulatory Plan are part of this effort.

- Narrowing the Digital Divide through Broadband Installation in HUD-Funded New Construction and Substantial Rehabilitation
- Narrowing the Digital Divide through Community Planning: Integrating Broadband Access Planning into HUD's Consolidated Planning Process

Aggregate Costs and Benefits

Executive Order 12866, as amended, requires the agency to provide its best estimate of the combined aggregate costs and benefits of all regulations included in the agency's Regulatory Plan that will be made pursued in FY 2016. HUD expects that the neither the total economic costs nor the total efficiency gains will exceed $100 million.

[1] Secretary Julián Castro, Remarks to the Department of Housing and Urban Development, ''A Year of Progress: Building a Stronger HUD for the Next 50 Years'' (July 27, 2015). See *http://portal.hud.gov/hudportal/HUD?src=/press/speeches_remarks_statements/2015/Remarks_072715.*

[2] President Lyndon Baines Johnson, Remarks upon Enactment of the Housing and Urban Development Act of 1965 (April 10, 1965). *http://www.lbjlibrary.org/mediakits/hud/p6.html.*

[3] *https://www.whitehouse.gov/the-press-office/2015/03/23/presidential-memorandum-expanding-broadband-deployment-and-adoption-addr.*

[4] *http://connecthome.hud.gov/.*

Narrowing the Digital Divide Through Broadband Installation in HUD-Funded New Construction and Substantial Rehabilitation

HUD Office: Office of the Secretary.
Rulemaking Stage: Proposed Rule.
Priority: Significant.
Legal Authority: 12 U.S.C. 1701q and 4568; 42 U.S.C. 1437a, 1437c, 1437d, 1437f, 1437g, 1437n, 1437z–2, 1437z–7, 3535(d), 5301–5320, 8013, 11371 *et seq.,* 12701–12839, 12901–12912, 13611–13619; sec 327, Pub. L. 109–115, 119 Stat. 2936, and sec 607, Pub. L. 109–162, 119 Stat. 3051
CFR Citation: 24 CFR 5, 92, 93, 570, 574, 578, 880, 891, 905, and 983.
Legal Deadline: None.
Abstract: Through this proposed rule, HUD continues its efforts to narrow the digital divide in low-income communities served by HUD by providing broadband access to communities in need of such access, where feasible and under HUD programs that authorize use of HUD funds for such purpose. Broadband is the common term used to refer to a very fast connection to the Internet. Such connection is also referred to as high-speed broadband or high-speed Internet. In this rule, HUD proposes to require installation of broadband infrastructure at the time of new construction or substantial rehabilitation of multifamily rental housing that is funded by HUD. Installation of broadband infrastructure at the time of new construction or substantial rehabilitation is generally easier and less costly than when such installation is undertaken as a stand-alone effort. The proposed rule, however, recognizes that installation of broadband infrastructure may not be feasible for all new construction or substantial rehabilitation, and therefore the proposed rule allows limited exceptions to the installation requirements. Installing unit-based high-speed Internet in multifamily rental housing that is newly constructed or substantially rehabilitated with HUD funding will not only expand affordable housing for low-income families but will provide a platform for individuals and families residing in such housing to participate in the digital economy and increase their access to economic opportunities.

Statement of Need

The proposed rule is part of several mutually supportive efforts being taken by the Administration to close the digital divide for low-income communities. As noted above, many low-income Americans do not have broadband Internet at home. Given the populations impacted by the digital divide, HUD is at the forefront of implementing these Administration efforts. The digital divide in broadband access, connectivity, and use disproportionately affects certain Americans: Those who earn less than $25,000 annually; individuals who did not finish high school; and African Americans and Hispanics. Eighty-four percent of households with HUD assistance make less than $20,000 per year, and 63 percent are African American or Hispanic (46 percent and 17 percent, respectively). Of these HUD-assisted household, 38 percent have children who are 18 years or younger. The proposed rule will build on the success of ConnectHome by ensuring that when construction or significant rehabilitation is done using HUD funds, the infrastructure needed for broadband access is included in the work.

Alternatives: Construction and rehabilitation standards are regulatory in nature, so amending them to require the installation of broadband infrastructure requires rulemaking. Without amending the construction and rehabilitation standards, there is no way to require grantees to install broadband infrastructure in multifamily housing.

Anticipated Costs and Benefits: The proposed rule would provide that for new construction or substantial rehabilitation of multifamily rental housing funded by HUD that, as part of the new construction or substantial rehabilitation to be undertaken, such activity must include installation of broadband infrastructure. Installing broadband infrastructure will be an additional cost when doing HUD-funded new construction/substantial rehabilitation. However, HUD notes that none of the HUD covered programs listed in this rule require a grantee to undertake new construction or substantial rehabilitation. New construction and substantial rehabilitation are eligible activities that grantees may undertake under HUD-funded programs. Therefore, entities will not incur any costs than they otherwise would incur by using their HUD funds to voluntarily undertake new construction or substantial rehabilitation under HUD funded-programs that authorize such activities.

Further, HUD is seeking to minimize the costs of installation by pairing the installation requirements with new construction or rehabilitation work when costs are lower than installation broadband infrastructure when no other work is being done. Additionally, HUD is proposing to define ''substantial rehabilitation'' as significant work (50 percent or more of full system replacement) on one or more of the following systems: Electrical, mechanical, or plumbing. This further minimizes the costs of the rule by ensuring that only significant work that would lower the burden of installing broadband infrastructure triggers the proposed requirements.

HUD also recognizes that there may be some communities or buildings where installing broadband infrastructure is infeasible or impractical due to a variety of circumstances (*e.g.,* no broadband access is available near the community, the building itself may have some difficulties in supporting the infrastructure). In these instances, HUD is reserving the right to determine that installation of broadband infrastructure is not feasible and excusing the grantee from the installation requirement.

Risks: This rule poses no risk to public health, safety, or the environment.
Timetable:

Action	Date	FR Cite
NPRM	01/00/16	

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.
Government Levels Affected: State, Local.
Federalism Affected: No.
Energy Affected: No.
International Impacts: No.
Agency Contact: Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, *Phone:* 202 708–3055.
RIN: 2501–AD75

Narrowing the Digital Divide Through Community Planning: Integrating Broadband Planning Into HUD's Consolidated Planning Process

HUD Office: Office of the Assistant Secretary for Community Planning and Development.
Rulemaking Stage: Proposed Rule.
Priority: Significant.
Legal Authority: 42 U.S.C. 3535(d), 3601–3619, 5301–5315, 11331–11388, 12701–12711, 12741–12756, and 12901–12912
CFR Citation: 24 CFR 91.
Legal Deadline: None.
Abstract: For communities to survive in this digital era, planning for broadband access must be a basic component of their community planning process. HUD's Consolidated Plan is a planning mechanism designed to help States and local governments

assess their affordable housing and community development needs and make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from HUD's formula block grant programs.

This proposed rule would amend HUD's Consolidated Plan regulations to require that jurisdictions, in their planning efforts, consider the needs of broadband access for low-income residents in the communities they serve. Broadband is the common term used to refer to a very fast connection to the Internet. Such connection is also referred to as high-speed broadband or high-speed Internet. Specifically, the rule would require that States and localities that submit a consolidated plan evaluate whether residents of HUD-funded housing have access to high-speed Internet and, if so, in what ways is such access made available to these residents. If low-income residents in the communities do not have access to high-speed Internet, States and jurisdictions must consider whether such access can be made available to their communities as part of their investment of HUD funds. The proposed regulatory amendments build upon other HUD efforts to close the digital divide and help ensure that the benefits of high-speed Internet reach every American household, regardless of their economic backgrounds.

Statement of Need: The proposed rule is part of several mutually supportive efforts being taken by the Administration to close the digital divide for low-income communities. As noted above, many low-income Americans do not have broadband Internet at home. Given the populations impacted by the digital divide, HUD is at the forefront of implementing these Administration efforts. The digital divide in broadband access, connectivity, and use disproportionately affects certain Americans: Those who earn less than $25,000 annually; individuals who did not finish high school; and African Americans and Hispanics. Eighty-four percent of households with HUD assistance make less than $20,000 per year, and 63 percent are African American or Hispanic (46 percent and 17 percent, respectively). Of these HUD-assisted household, 38 percent have children who are 18 years or younger. The proposed regulatory amendments will build on the success of ConnectHome by codifying the policy goals of increased Internet access and digital literacy as permanent features of HUD's community planning regulations.

Alternatives: The Consolidated Plan requirements are regulatory in nature so rulemaking is necessary to revise them. While non-regulatory guidance encouraging the consideration of broadband access in the consolidated planning process is a possible alternative, such guidance is non-binding. Accordingly, rulemaking is the only possible option to accomplish the policy goals described above.

Anticipated Costs and Benefits: The proposed rule will amend the Consolidated Plan regulations to require that States and local governments evaluate the access of public and other assisted housing residents to broadband Internet service. The proposed regulatory changes are concerned with the consolidated planning process and HUD does not anticipate that the costs of the revised consultation and reporting requirements, as proposed in this rule, will be significant since the regulatory changes merely build upon similar existing requirements rather than mandating completely new procedures. While the proposed rule would require States and local governments to consider, as part of their Consolidated Planning process, the broadband access needs of resident of public and other assisted housing, the rule does not mandate that actions be taken to meet those needs. The significant interest expressed by many communities in participating in ConnectHome demonstrated to HUD that many jurisdictions that are already engaged in planning to bring high-speed Internet access to their low-income communities. These jurisdictions also demonstrated their awareness of the harmful effects of the digital divide and a high interest in narrowing that divide. Additionally, given the positive response to ConnectHome, HUD anticipates that many State and local governments will devote resources, whether public or private, without any mandate from HUD, to bring high-speed Internet access to their communities. This rule therefore, which only requires consideration of the needs in low-income communities to access to broadband Internet service, has a minimal cost impact on all grantees subject to the Consolidated Planning process.

Risks: This rule poses no risk to public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	01/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: State, Local.

Federalism Affected: No.

Energy Affected: No.

International Impacts: No.

Agency Contact: Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, *Phone:* 202 708–3055.

RIN: 2506–AC41

HUD—OFFICE OF THE SECRETARY (HUDSEC)

Proposed Rule Stage

68. • Narrowing the Digital Divide Through Broadband Installation in HUD-Funded New Construction and Substantial Rehabilitation (FR–5890)

Priority: Other Significant.

Legal Authority: 12 U.S.C. 1701q; 12 U.S.C. 4568; 1437a, 1437c, 1437d, 1437f, 1437n, 1437z–2, 1437z–7; 42 U.S.C. 3535(d); 42 U.S.C. 5301–5320; 42 U.S.C. 8013; 42 U.S.C. 11371 *et seq.;* 42 U.S.C. 12701–12839; 42 U.S.C. 12901–12912; 42 U.S.C. 13611–13619; sec 327, Pub. L. 109–115, 119 Stat 2936; sec 607, Pub. L. 109–162, 119 Stat 3051

CFR Citation: 24 CFR 5; 24 CFR 92; 24 CFR 93; 24 CFR 570; 24 CFR 578; 24 CFR 880; 24 CFR 905; 24 CFR 983.

Legal Deadline: None.

Abstract: Through this proposed rule, HUD continues its efforts to narrow the digital divide in low-income communities served by HUD by providing, where feasible and with HUD funding, broadband access to communities in need of such access. Broadband is the common term used to refer to a very fast connection to the Internet. Such connection is also referred to as high-speed broadband or high-speed Internet. In this rule, HUD proposes to require installation of broadband infrastructure at the time of new construction or substantial rehabilitation of multifamily rental housing that is funded by HUD. Installation of broadband infrastructure at the time of new construction or substantial rehabilitation is generally easier and less costly than when such installation is undertaken as a stand-alone effort. The proposed rule, however, recognizes that installation of broadband infrastructure may not be

feasible for all new construction or substantial rehabilitation, and therefore the proposed rule allows limited exceptions to the installation requirements. Installing unit-based high-speed Internet in multifamily rental housing that is newly constructed and substantially rehabilitated with HUD funding will not only expand affordable housing for low-income families but will provide a platform for individuals and families residing in such housing to participate in the digital economy, and increase their access to economic opportunities.

Statement of Need: The proposed rule is part of several mutually supportive efforts being taken by the Administration to close the digital divide for low-income communities. As noted above, many low-income Americans do not have broadband Internet at home. Given the populations impacted by the digital divide, HUD is at the forefront of implementing these Administration efforts. The digital divide in broadband access, connectivity, and use disproportionately affects certain Americans: Those who earn less than $25,000 annually; individuals who did not finish high school; and African Americans and Hispanics. Eighty-four percent of households with HUD assistance make less than $20,000 per year, and 63 percent are African American or Hispanic (46 percent and 17 percent, respectively). Of these HUD-assisted household, 38 percent have children who are 18 years or younger. The proposed rule will build on the success of ConnectHome by ensuring that when construction or significant rehabilitation is done using HUD funds, the infrastructure needed for broadband access is included in the work.

Summary of Legal Basis: None.

Alternatives: Construction and rehabilitation standards are regulatory in nature, so amending them to require the installation of broadband infrastructure requires rulemaking. Without amending the construction and rehabilitation standards, there is no way to require grantees to install broadband infrastructure in multifamily housing.

Anticipated Cost and Benefits: The proposed rule would provide that for new construction or substantial rehabilitation of multifamily rental housing funded by HUD that, as part of the new construction or substantial rehabilitation to be undertaken, such activity must include installation of broadband infrastructure. Installing broadband infrastructure will be an additional cost when doing HUD-funded new construction/substantial rehabilitation. However, HUD notes that none of the HUD covered programs listed in this rule require a grantee to undertake new construction or substantial rehabilitation. New construction and substantial rehabilitation are eligible activities that grantees may take using HUD funds. Therefore, entities will not incur any costs than they otherwise would incur by voluntarily undertaking new construction or substantial rehabilitation, and the costs of these activities are funded by HUD.

Further, HUD is seeking to minimize the costs of installation by pairing the installation requirements with new construction or rehabilitation work when costs are lower than installation broadband infrastructure when no other work is being done. Additionally, HUD is proposing to define substantial rehabilitation as significant work (50 percent or more of full system replacement) on one or more of the following systems: electrical, mechanical, or plumbing. This further minimizes the costs of the rule by ensuring that only significant work that would lower the burden of installing broadband infrastructure triggers the proposed requirements.

HUD also recognizes that there may be some communities or buildings where installing broadband infrastructure is infeasible or impractical due to a variety of circumstances (*e.g.,* no broadband access is available near the community, the building itself may have some difficulties in supporting the infrastructure). In these instances, HUD is reserving the right to determine that installation of broadband infrastructure is not feasible and excusing the grantee from the installation requirement.

Risks: This rule poses no risk to public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	01/00/16	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Office of the General Counsel, Department of Housing and Urban Development, Office of the Secretary, 451 7th Street SW., Washington, DC 20410, *Phone:* 202 708–5132.

RIN: 2501–AD75

HUD—OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT (CPD)

Proposed Rule Stage

69. • Narrowing the Digital Divide Through Community Planning: Integrating Broadband Planning Into HUD's Consolidated Planning Process (FR–5891)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 3535(d); 42 U.S.C. 3601–3619; 42 U.S.C. 5301–5315; 42 U.S.C. 11331–11388; 42 U.S.C.12701–12711; 42 U.S.C.12741–12756; 42 U.S.C. 12901–12912

CFR Citation: 24 CFR 91.

Legal Deadline: None.

Abstract: For communities to survive in this digital era, planning for broadband access must be a basic component of their community planning process. HUD's Consolidated Plan is a planning mechanism designed to help States and local governments to assess their affordable housing and community development needs and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from HUD's formula block grant programs.

This proposed rule would amend HUD's Consolidated Plan regulations to require that jurisdictions, in their planning efforts, consider the needs of broadband access for low-income residents in the communities they serve. Broadband is the common term used to refer to a very fast connection to the Internet. Such connection is also referred to as high-speed broadband or high-speed Internet. Specifically, the rule would require that States and localities that submit a consolidated plan evaluate whether residents of HUD-funded housing have access to high-speed Internet and, if so, in what ways is such access made available to these residents. If low-income residents in the communities do not have access to high-speed Internet, States and jurisdictions must consider whether such access can be made available to their communities, as part of their investment of HUD funds. The proposed regulatory amendments build upon other HUD efforts to close the digital divide and help ensure that the benefits of high-speed Internet reach every American household, regardless of their economic backgrounds.

Statement of Need: The proposed rule is part of several mutually supportive efforts being taken by the Administration to close the digital

divide for low-income communities. As noted above, many low-income Americans do not have broadband Internet at home. Given the populations impacted by the digital divide, HUD is at the forefront of implementing these Administration efforts. The digital divide in broadband access, connectivity, and use disproportionately affects certain Americans: Those who earn less than $25,000 annually; individuals who did not finish high school; and African Americans and Hispanics. Eighty-four percent of households with HUD assistance make less than $20,000 per year, and 63 percent are African American or Hispanic (46 percent and 17 percent, respectively). Of these HUD-assisted household, 38 percent have children who are 18 years or younger. The proposed regulatory amendments will build on the success of ConnectHome by codifying the policy goals of increased Internet access and digital literacy as permanent features of HUD's community planning regulations.

Summary of Legal Basis: None.

Alternatives: The Consolidated Plan requirements are regulatory in nature so rulemaking is necessary to revise them. While non-regulatory guidance encouraging the consideration of broadband access in the consolidated planning process is a possible alternative, such guidance is non-binding. Accordingly, rulemaking is the only possible option to accomplish the policy goals described above.

Anticipated Cost and Benefits: The proposed rule will amend the Consolidated Plan regulations to require that States and local governments evaluate the access of public and other assisted housing residents to broadband Internet service. The proposed regulatory changes are concerned with the consolidated planning process and HUD does not anticipate that the costs of the revised consultation and reporting requirements, as proposed in this rule, will be significant since the regulatory changes merely build upon similar existing requirements rather than mandating completely new procedures. While the proposed rule would require States and local governments to consider, as part of their Consolidated Planning process, the broadband access needs of resident of public and other assisted housing, the rule does not mandate the actions that actions be taken to meet those needs. The significant interest in participating in ConnectHome demonstrated to HUD that many jurisdictions that are already engaged in planning to bring high-speed Internet access to their low-income communities. These jurisdictions also demonstrated their awareness of the harmful effects of the digital divide and a high interest in narrowing that divide. Additionally, given the positive response to ConnectHome, HUD anticipates that many State and local governments will devote resources, whether public or private, without any mandate from HUD, to bring high-speed Internet access to their communities. This rule therefore, which only requires consideration of the needs in low-income communities to access to broadband Internet service, has a minimal cost impact on all grantees subject to the Consolidated Planning process.

Risks: This rule poses no risk to public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	01/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: None.

Agency Contact: Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Office of the General Counsel, Department of Housing and Urban Development, Office of the Secretary, 451 7th Street SW., Washington, DC 20410, *Phone:* 202 708–5132.

RIN: 2506–AC41

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR (DOI)

Statement of Regulatory Priorities

The Department of the Interior (DOI) is the principal Federal steward of our Nation's public lands and resources, including many of our cultural treasures. DOI serves as trustee to Native Americans and Alaska native trust assets and is responsible for relations with the island territories under United States jurisdiction. The Department manages more than 500 million acres of Federal lands, including 408 park units and 563 wildlife refuges, and more than one billion submerged offshore acres. These areas include natural resources that are essential for America's industry—oil and gas, coal, and minerals such as gold and uranium. On public lands and the Outer Continental Shelf, Interior provides access for renewable and conventional energy development and manages the protection and restoration of surface-mined lands.

The Department protects and recovers endangered species; protects natural, historic, and cultural resources; manages water projects that are a lifeline and economic engine for many communities in the West; manages forests and fights wildfires; manages Federal energy resources; regulates surface coal mining operations; reclaims abandoned coal mines; educates children in Indian schools; and provides recreational opportunities for over 400 million visitors annually in the Nation's national parks, public lands, national wildlife refuges, and recreation areas.

DOI will continue to review and update its regulations and policies to ensure that they are effective and efficient, and that they promote accountability and sustainability. DOI will emphasize regulations and policies that:

- Promote environmentally responsible, safe, and balanced development of renewable and conventional energy on our public lands and the Outer Continental Shelf (OCS);
- Use the best available science to ensure that public resources are protected, conserved, and used wisely;
- Preserve America's natural treasures for future generations;
- Improve the nation-to-nation relationship with American Indian tribes and promote tribal self-determination and self-governance;
- Promote partnerships with States, tribes, local governments, other groups, and individuals to achieve common goals; and
- Promote transparency, fairness, accountability, and the highest ethical standards while maintaining performance goals.

Major Regulatory Areas

The Department's bureaus implement congressionally mandated programs through their regulations. Some of these regulatory programs include:

- Overseeing the development of onshore and offshore energy, including renewable, mineral, oil and gas, and other energy resources;
- Regulating surface coal mining and reclamation operations on public and private lands;
- Managing migratory birds and preserving marine mammals and endangered species;
- Managing dedicated lands, such as national parks, wildlife refuges, National Landscape Conservation System lands, and American Indian trust lands;
- Managing public lands open to multiple use;
- Managing revenues from American Indian and Federal minerals;

• Fulfilling trust and other responsibilities pertaining to American Indians and Alaska Natives; and

• Managing natural resource damage assessments.

Regulatory Policy

DOI's regulatory programs seek to operate programs transparently, efficiently, and cooperatively while maximizing protection of our land, resources, and environment in a fiscally responsible way by:

(1) Protecting Natural, Cultural, and Heritage Resources

The Department's mission includes protecting and providing access to our Nation's natural and cultural heritage and honoring our trust responsibilities to tribes. We are committed to this mission and to applying laws and regulations fairly and effectively. Our priorities include protecting public health and safety, restoring and maintaining public lands, protecting threatened and endangered species, ameliorating land- and resource-management problems on public lands, and ensuring accountability and compliance with Federal laws and regulations.

(2) Sustainably Using Energy, Water, and Natural Resources

Since the beginning of the Obama Administration, the Department has focused on renewable energy issues and has established priorities for environmentally responsible development of renewable energy on public lands and the OCS. Industry has responded by investing in the development of wind farms off the Atlantic seacoast and solar, wind, and geothermal energy facilities throughout the West. Power generation from these new energy sources produces virtually no greenhouse gases and, when done in an environmentally responsible manner, harnesses with minimum impact abundant renewable energy. The Department will continue its intra- and inter-departmental efforts to move forward with the environmentally responsible review and permitting of renewable energy projects on public lands and the Outer Continental Shelf, and will identify how its regulatory processes can be improved to facilitate the responsible development of these resources.

In implementing these priorities through its regulations, the Department will create jobs and contribute to a healthy economy while protecting our signature landscapes, natural resources, wildlife, and cultural resources.

(3) Empowering People and Communities

The Department strongly encourages public participation in the regulatory process and will continue to actively engage the public in the implementation of priority initiatives. Throughout the Department, individual bureaus and offices are ensuring that the American people have an active role in managing our Nation's public lands and resources.

For example, every year FWS establishes migratory bird hunting seasons in partnership with flyway councils composed of State fish and wildlife agencies. FWS also holds a series of public meetings to give other interested parties, including hunters and other groups, opportunities to participate in establishing the upcoming season's regulations. Similarly, BLM uses Resource Advisory Councils to advise on management of public lands and resources. These citizen-based groups allow individuals from all backgrounds and interests to have a voice in management of public lands.

Retrospective Review of Regulations

President Obama's Executive Order 13563 directs agencies to make the regulatory system work better for the American public. Regulations should ''. . . protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation.'' DOI's plan for retrospective regulatory review identifies specific efforts to relieve regulatory burdens, add jobs to the economy, and make regulations work better for the American public while protecting our environment and resources.

The Department routinely meets with stakeholders to solicit feedback and gather input on how modernize our regulatory programs, through efforts such as incorporating performance based standards where appropriate and removing outdated and unnecessary requirements. DOI bureaus are continuing to work to make our regulations easier to comply with and understand. Our regulatory process ensures that bureaus share ideas on how to reduce regulatory burdens while meeting the requirements of the laws they enforce and improving their stewardship of the environment and resources. Results include:

• Effective stewardship of our Nation's resources in a way that is responsive to the needs of small businesses;

• Increased benefits per dollar spent by careful evaluation of the economic effects of planned rules; and

• Improved compliance and transparency by use of plain language in our regulations and guidance documents.

The Department's Final Plan for Retrospective Review and biannual status reports can be viewed at *http://www.doi.gov/open/regsreview*.

Bureaus and Offices Within DOI

The following sections give an overview of some of the major regulatory priorities of DOI bureaus and offices.

Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) provides services to approximately 1.9 million Indians and Alaska Natives, and maintains a government-to-government relationship with the 567 federally recognized Indian tribes. The Bureau also administers and manages 55 million acres of surface land and 57 million acres of subsurface minerals held in trust by the United States for Indians and Indian tribes. BIA's mission is to enhance the quality of life, promote economic opportunity, and protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives, as well as to provide quality education opportunities to students in Indian schools.

In the coming year, BIA will continue its focus on improved management of trust responsibilities with each regulatory review and revision. The Bureau will also continue to promote economic development in Indian communities by ensuring the regulations support, rather than hinder, productive land management. In addition, BIA will focus on updating Indian education regulations and on other regulatory changes to increase transparency in support of the President's Open Government Initiative.

In the coming year, BIA's regulatory priorities are to:

• Finalize regulations to meet the Indian trust reform goals for rights-of-ways across Indian land.

• Develop regulatory changes necessary for improved Indian education.

BIA is reviewing regulations that require the Bureau of Indian Education to follow 23 different State adequate yearly progress standards; the review will determine whether a uniform standard would better meet the needs of students at Bureau-funded schools. With regard to undergraduate education, the Bureau of Indian Education plans to finalize regulations that address grants to tribally controlled community colleges and other Indian education regulations. These reviews identify

provisions that need to be updated to comply with applicable statutes and ensure that the proper regulatory framework is in place to support students in Bureau-funded schools.

• Revise regulations to reflect updated statutory provisions and increase transparency.

BIA is making a concentrated effort to improve the readability and precision of its regulations. Because trust beneficiaries often turn to the regulations for guidance on how a given BIA process works, BIA is ensuring that each revised regulation is written as clearly as possible and accurately reflects the current organization of the Bureau. The Bureau is also simplifying language and eliminating obsolete provisions. In the coming year, the Bureau also plans to finalize revisions to regulations regarding rights-of-way (25 CFR 169); Secretarial elections (25 CFR 81); the Housing Improvement Program (25 CFR 256); Indian Reservation Roads (25 CFR 170); and Indian Child Welfare Act proceedings (25 CFR 23).

Bureau of Land Management

BLM manages the 245-million-acre National System of Public Lands, located primarily in the western States, including Alaska, and the 700-million-acre subsurface mineral estate located throughout the Nation. In doing so, BLM manages such varied uses as energy and mineral development, outdoor recreation, livestock grazing, and forestry and woodlands products. BLM's complex multiple-use mission affects the lives of millions of Americans, including those who live near and visit the public lands, as well as those who benefit from the commodities, such as minerals, energy, or timber, produced from the lands' rich resources. In undertaking its management responsibilities, BLM seeks to conserve our public lands' natural and cultural resources and sustain the health and productivity of the public lands for the use and enjoyment of present and future generations.

In the coming year, BLM's highest regulatory priorities include:

• Provide for site security by preventing theft and loss and to enable accurate measurement and production accountability.

• Ensure that crude oil produced from Federal and Indian oil and gas leases is accurately measured and accounted for.

• Ensure that gas produced from Federal and Indian oil and gas leases is accurately measured and accounted.

The Bureau of Land Management (BLM) is updating and improving the current versions of Onshore Oil and Gas Orders (Order) for Site Security (Order 3), Oil Measurement (Order 4), and Gas Measurement (Order 5). These Orders were last updated in 1989. The primary purpose for these updates is to keep pace with changing industry practices, emerging and new technologies, respond to recommendations from the Government Accountability Office, the U.S. Department of the Interior (Department) Office of the Inspector General, and the Department's Subcommittee on Royalty Management. The proposed changes address findings and recommendations that in part formed the basis for the GAO's inclusion of the Department's oil and gas program on the GAO's High Risk List in 2011 (GAO–11–278) and for its continuing to keep the program on the list in the 2013 and 2015 updates. The Orders will be published as proposed rules in 43 Code of Federal Regulations (CFR) 3173, 3174 and 3175 respectively.

• Preventing waste of produced natural gas and ensuring fair return to the taxpayer.

BLM's current requirements regarding venting and flaring of natural gas from oil and gas operations are over three decades old. The agency is currently preparing a proposed rule to address emissions reductions and minimize waste through improved standards for venting, flaring, and fugitive losses of methane from oil and gas production facilities on Federal and Indian lands.

• Ensure that taxpayers receive a fair return from energy resources developed on the public lands, those resources are diligently and responsibly developed, and that adequate financial measures exist to address the risks.

The Government Accountability Office (GAO) recommended to the BLM that steps be taken to revise its regulations with respect to onshore royalty rates to provide flexibility to change those rates. On April 21, 2015, the BLM issued an Advance Notice of Proposed Rulemaking (ANPRM) seeking public comment on potential updates to BLM rules governing oil and gas royalty rates, rental payments, lease sale minimum bids, civil penalty caps and financial assurances. Over 82,000 comments were received by the end of the comment period on June 19, 2015. Most of the comments focused on fiscal lease terms—royalty rates, rentals, and minimum bids. There were a few comments on bonding and very few on civil penalties. The analysis of these comments is on-going and is expected to be complete by the end of calendar year 2015. Following completion of the analysis of these comments the BLM will consider possible revisions to its regulations as contemplated by GAO recommendations.

• Creating a competitive process for offering lands for solar and wind energy development.

BLM will finalize a rule that would establish an efficient competitive process for leasing public lands for solar and wind energy development. The regulations will establish competitive bidding procedures for lands within designated solar and wind energy development leasing areas, define qualifications for potential bidders, and structure the financial arrangements necessary for the process. The rule will enhance BLM's ability to capture fair market value for the use of public lands, ensure fair access to leasing opportunities for renewable energy development, and foster the growth and development of the renewable energy sector of the economy.

Bureau of Ocean Energy Management (BOEM)

The Bureau of Ocean Energy Management (BOEM) promotes energy independence, environmental protection, and economic development through responsible, science-based management of offshore conventional and renewable energy resources. It is dedicated to offering opportunities to develop the conventional and renewable energy and the underlying mineral resources of the Outer Continental Shelf (OCS) in an efficient and effective manner, balancing the need for economic growth with the protection of the environment. BOEM oversees the expansion of domestic energy production, enhancing the potential for domestic energy independence and the generation of revenue to support the economic development of the country. BOEM thoughtfully considers and balances the potential environmental impacts associated with exploring and extracting OCS resources with the critical need for domestic energy production. BOEM's near-term regulatory agenda will focus on a number of issues, including:

• Enhancing the regulatory efficiency of the offshore renewables program.

One rulemaking in particular has been proposed to address recommendations submitted to BOEM by the Transportation Research Board of the National Academies of Science, and other stakeholders in the renewable energy development process. Specifically, this rulemaking will clarify the role of Certified Verification Agents as part of the process of designing, fabricating, and installing offshore wind energy facilities for the OCS. Additionally, BOEM is working to

transfer regulatory oversight responsibilities relating to offshore renewable energy inspections and certain enforcement activities to the Bureau of Safety and Environmental Enforcement (BSEE). This transfer in being undertaken in an effort to implement Department of the Interior Secretarial Order 3299, and will help ensure that these oversight activities will be conducted by the DOI bureau with the appropriate experience and expertise in operational matters.

• Updating BOEM's Air Quality Program.

BOEM's original air quality rules date largely from 1980 and have not been updated substantially since that time. From 1990 to 2011, DOI exercised jurisdiction for air quality only for OCS sources operating in the Gulf of Mexico. In fiscal year 2011, Congress expanded DOI's authority by transferring to it responsibility for monitoring OCS air quality off the North Slope Borough of the State of Alaska, including the Beaufort Sea, and the Chukchi Sea. BOEM will propose regulations to reflect changes that have occurred over the past thirty-four years and the new regulatory jurisdiction. In its development of proposed regulations, BOEM coordinated with other bureaus and agencies, including the U.S. Fish and Wildlife Service, the National Park Service, and the Environmental Protection Agency.

• Promoting Effective Financial Assurance and Risk Management.

BOEM has the responsibility to ensure that lessees and operators on the OCS do not engage in activities that could generate an undue risk of financial loss to the government. BOEM formally established a program office to review these issues, and is working with industry and others to determine how to improve the regulatory regime to better align with the realities of aging offshore infrastructure, hazard risks, and increasing costs of decommissioning. In order to minimize the potential adverse impact of any proposed regulations, and in an effort to take all issues and views into proper account, BOEM published an Advance Notice of Proposed Rulemaking, and has engaged with industry on the subject. BOEM has since issued a Notice to Lessees, will review comments, finalize guidance, and determine whether to update its regulation in this area.

Bureau of Safety and Environmental Enforcement

BSEE's mission is to regulate safety, emergency preparedness, environmental responsibility and appropriate development and conservation of offshore oil and natural gas resources. BSEE's priorities in fulfillment of its mission are to: (1) Regulate, enforce, and respond to OCS development using the full range of authorities, policies, and tools to compel safety and environmental responsibility and appropriate development of offshore oil and natural gas resources; and (2) Build and sustain the organizational, technical, and intellectual capacity within and across BSEE's key functions—capacity that keeps pace with OCS industry technology improvements, innovates in regulation and enforcement, and reduces risk through systemic assessment and regulatory and enforcement actions.

BSEE has identified the following four areas of regulatory priorities:

• Improving Crane and Helicopter Safety on Offshore Facilities.

BSEE will finalize a rule regarding crane safety on fixed offshore platforms and will propose a rule for helicopter/helideck safety.

• Improving Oil Spill Response Plans and Procedures.

BSEE will update regulations for offshore oil spill response plans by incorporating requirements for improved procedures. The procedures that will be required are based on lessons learned from the Deepwater Horizon spill, as well as nearly two decades of agency oversight and applicable BSEE research.

• Tailoring Drilling Requirements to the Unique Conditions of the Arctic.

BSEE and BOEM will finalize a joint rule that promotes safe, responsible, and effective exploratory drilling activities on the Arctic OCS by taking into account the unique aspects and risks of operating in the Arctic, in order to ensure protection of the Arctic's communities and marine environment.

• Managing and Mitigating Well Control and Blowout Preventer Risks.

BSEE will finalize a rule concerning requirements on blowout preventers and critical reforms in the areas of well design, well control, casing, cementing, real-time monitoring, and subsea containment. This rule will address multiple recommendations resulting from various investigations from the Deepwater Horizon incident.

Additionally, BSEE will finalize revisions of its regulations on production safety systems and life cycle analysis. This final rule will expand the use of life cycle management of critical equipment and will address issues such as subsurface safety devices, safety device testing, and requirements for operating production systems on the OCS.

Office of Natural Resources Revenue

ONRR will continue to collect, account for, and disburse revenues from Federal offshore energy and mineral leases and from onshore mineral leases on Federal and Indian lands. The program operates nationwide and is primarily responsible for timely and accurate collection, distribution, and accounting for revenues associated with mineral and energy production. ONRR's regulatory plan is as follows:

• Implement regulations to ensure compliance.

ONRR is promulgating final rules to ensure compliance with the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996, which will also clarify regulatory processes and direction for lessors on Federal leases.

• Simplify valuation regulations.

ONRR plans to finalize regulations at title 30 of the Code of Federal Regulations (CFR) part 1206 for establishing the value for royalty purposes of (1) oil and natural gas produced from Federal leases; and (2) coal produced from Federal and Indian leases. Additionally, the rule consolidates sections of the regulations common to all minerals, such as definitions and instructions regarding how a payor should request a valuation determination. Clarify and simplify issuing notices of non-compliance and civil penalties.

This rule will amend ONRR civil penalty regulations to: (1) Codify application of those regulations to solid minerals and geothermal leases as the Omnibus Appropriations Act of 2009 authorizes; (2) adjust Federal Oil and Gas Royalty Management Act civil penalty amounts for inflation as the Federal Civil Penalty Inflation Adjustment Act requires; (3) clarify and simplify the existing regulations for issuing notices of noncompliance and civil penalties under 30 CFR part 1241; and (4) provide notice that ONRR will post its matrices for civil penalty assessments on the ONRR Web site.

• Define methodologies for distribution and disbursement of qualified revenues from certain leases under the Gulf of Mexico Energy Security Act (GOMESA).

ONRR is amending the regulations on the distribution and disbursement of qualified revenues from certain leases on the Gulf of Mexico's Outer Continental Shelf, per the statutory direction contained in the Gulf of Mexico Energy Security Act of 2006. This regulation sets forth the formulas and methodologies for calculating and allocating revenues during the second phase of revenue sharing to: The States

of Alabama, Louisiana, Mississippi, and Texas; their eligible Coastal Political Subdivisions; the Land and Water Conservation Fund; and the United States Treasury. Additionally, in this final rule, the Department of the Interior moves the Gulf of Mexico Energy Security Act of 2006's Phase I regulations from the Bureau of Ocean Energy Management's 30 CFR chapter V to ONRR's 30 CFR chapter XII, and provides additional clarification and minor definition changes to the current revenue-sharing regulations.

• Simplify the valuation of coal advance royalty.

The new regulations will implement the provisions of the Energy Policy Act of 2005 (EPAct) governing the payment of advance royalty on coal resources produced from Federal leases. The EPAct provisions amend the Mineral Leasing Act of 1920 (MLA). ONRR is also adding information collection requirements that are applicable to all solid minerals leases and also are necessary to implement the EPAct Federal coal advance royalty provisions.

• Consolidate billing and collection systems at the Department level.

This Direct Final Rule (DFR) amends those sections of the Code of Federal Regulations (CFR) pertaining to how to submit rental and bonus payments for onshore lease sales. The goals are to increase flexibility in how the Department collects these payments and to provide consistency between onshore and offshore lease sale payments and collections. The DFR changes references to paying rents and bonuses from the BLM State Office to paying rents and bonuses as stipulated in the terms of a BLM Lease Sale Notice. BLM will notify potential bidders of their payment options in the Lease Sale Notice during the pre-sale notification process, which occurs 90 days prior to the lease sale date. This additional flexibility will allow for a transition period for successful implementation and coordination between BLM and ONRR.

Office of Surface Mining Reclamation and Enforcement

The Office of Surface Mining Reclamation and Enforcement (OSM) was created by the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Under SMCRA, OSM has two principal functions—the regulation of surface coal mining and reclamation operations and the reclamation and restoration of abandoned coal mine lands. In enacting SMCRA, Congress directed OSM to ''strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy.'' In response to its statutory mandate, OSM has sought to develop and maintain a stable regulatory program that is safe, cost-effective, and environmentally sound. A stable regulatory program ensures that the coal mining industry has clear guidelines for operation and reclamation, and that citizens know how the program is being implemented.

OSM's Federal regulatory program sets minimum requirements for obtaining a permit for surface and underground coal mining operations, sets performance standards for those operations, requires reclamation of lands and waters disturbed by mining, and requires enforcement to ensure that the standards are met. OSM is the primary regulatory authority for SMCRA enforcement until a State or Indian tribe develops its own regulatory program, which is no less effective than the Federal program. When a State or Indian tribe achieves ''primacy,'' it assumes direct responsibility for permitting, inspection, and enforcement activities under its federally approved regulatory program. The regulatory standards in Federal program states and in primacy states are essentially the same with only minor, non-substantive differences. Today, 24 States have primacy, including 23 of the 24 coal producing States. OSM's regulatory priorities for the coming year will focus on:

• Stream Protection.

Protect streams and related environmental resources from the adverse effects of surface coal mining operations. OSM plans to finalize regulations to improve the balance between environmental protection and the Nation's need for coal by better protecting streams from the adverse impacts of surface coal mining operations.

• Coal Combustion Residues.

Establish Federal standards for the beneficial use of coal combustion residues on active and abandoned coal mines.

U.S. Fish and Wildlife Service

The mission of the U.S. Fish and Wildlife Service (FWS) is to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. FWS also provides opportunities for Americans to enjoy the outdoors and our shared natural heritage.

FWS fulfills its responsibilities through a diverse array of programs that:

• Protect and recover endangered and threatened species;

• Monitor and manage migratory birds;

• Restore native aquatic populations and nationally significant fisheries;

• Enforce Federal wildlife laws and regulate international trade;

• Conserve and restore wildlife habitat such as wetlands;

• Help foreign governments conserve wildlife through international conservation efforts;

• Distribute Federal funds to States, territories, and tribes for fish and wildlife conservation projects; and

• Manage the more than 150-million-acre National Wildlife Refuge System, which protects and conserves fish and wildlife and their habitats and allows the public to engage in outdoor recreational activities.

During the next year, FWS regulatory priorities will include:

• Regulations under the Endangered Species Act (ESA).

We will issue multiple rules to add species to, remove species from, and reclassify species on the Lists of Endangered and Threatened Wildlife and Plants and to designate critical habitat for certain listed species. We will issue a rule to improve the process for listing species by revising the process for submitting petitions to list, delist, or reclassify species. We will further the protection of native species and their ecosystems through a policy that will provide incentives for voluntary conservation actions taken for species prior to their listing under the ESA. In accordance with Executive Order 13563 (''Improving Regulation and Regulatory Review''), we will issue rules to improve the process of critical habitat designation, including clarifying definitions of ''critical habitat'' and ''destruction or adverse modification'' of critical habitat, and a policy to explain how we consider various factors in determining exclusions to critical habitat under section 4(b)(2) of the ESA.

• Regulations under the Migratory Bird Treaty Act (MBTA).

In carrying out our responsibility to manage migratory bird populations, we issue annual migratory bird hunting regulations, which establish the frameworks (outside limits) for States to establish season lengths, bag limits, and areas for migratory game bird hunting. In compliance with E.O. 13563, beginning with the 2016–17 hunting season, we are using a new schedule for promulgating these regulations that is more efficient and will provide potential season dates for the States to consider much earlier than was possible under the old process. For example, we anticipate proposing season frameworks in December 2015, instead of during the summer of 2016, which will make planning easier for the States and all

parties interested in migratory bird hunting.

We will also issue a programmatic environmental impact statement to evaluate the potential environmental impacts of a proposal to authorize incidental take of migratory birds under the MBTA. We are considering rulemaking to address various approaches to regulating incidental take of migratory birds. The rulemaking would establish appropriate standards for any such regulatory approach to ensure that incidental take of migratory birds is appropriately mitigated, which may include requiring measures to avoid or minimize take or securing compensation.

• Regulations to administer the National Wildlife Refuge System (NWRS).

In carrying out our statutory responsibility to provide wildlife-dependent recreational opportunities on NWRS lands, we issue an annual rule to update the hunting and fishing regulations on specific refuges. To ensure protection of NWRS resources, we will issue a proposed rule to ensure that businesses conducting oil or gas operations on NWRS lands do so in a manner that prevents or minimizes damage to the lands, visitor values, and management objectives.

• Regulations to carry out the Wildlife and Sport Fish Restoration (WSFR) Act.

To strengthen our partnership with State conservation organizations, we are working on several rules to update and clarify our WSFR regulations. States rely on FWS to distribute finances from trust fund and excise tax revenues, and the FWS relies on the States to implement eligible conservation projects. Planned regulatory revisions will help to reflect several new decisions that State and Federal partners have agreed upon, and to clarify language in clear and precise terms. We will expand on existing regulations that prescribe processes that applicants and grantees must follow when applying for and managing grants from FWS. We will also revise our regulations under the Clean Vessel Act program to improve management and execution of that program.

• Regulations to carry out the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Lacey Act.

In accordance with section 3(a) of Executive Order 13609 (''Promoting International Regulatory Cooperation''), we will update our CITES regulations to incorporate provisions resulting from the 16th Conference of the Parties to CITES. The revisions will help us more effectively promote species conservation and help U.S. importers and exporters of wildlife products understand how to conduct lawful international trade. We will also rewrite a substantial portion of our regulations for the importation, exportation, and transportation of wildlife by proposing changes to the port structure and inspection fees and making the regulations easier to understand.

To help protect African elephants, we will finalize regulations regarding ivory from African elephants to prohibit interstate commerce and export, except for antique specimens and certain other items. Import of sport-hunted trophies would still be allowed, but the number of trophies that could be imported by a hunter in a given year would be limited.

Finally, to protect native species and prevent the spread of injurious species, we will propose regulations to improve our process for making injurious wildlife determinations for foreign species under the Lacey Act to prevent the importation and interstate transportation and commerce of injurious wildlife.

National Park Service

The National Park Service (NPS) preserves unimpaired the natural and cultural resources and values within more than 400 units of the National Park System encompassing nearly 84 million acres of lands and waters for the enjoyment, education, and inspiration of this and future generations. The NPS also cooperates with partners to extend the benefits of natural and resource conservation and outdoor recreation throughout the United States and the world.

To achieve this mission NPS adheres to the following guiding principles:

• *Excellent Service:* Providing the best possible service to park visitors and partners.

• *Productive Partnerships:* Collaborating with Federal, State, tribal, and local governments, private organizations, and businesses to work toward common goals.

• *Citizen Involvement:* Providing opportunities for citizens to participate in the decisions and actions of the National Park Service.

• *Heritage Education:* Educating park visitors and the general public about their history and common heritage.

• *Outstanding Employees:* Empowering a diverse workforce committed to excellence, integrity, and quality work.

• *Employee Development:* Providing developmental opportunities and training so employees have the ''tools to do the job'' safely and efficiently.

• *Wise Decisions:* Integrating social, economic, environmental, and ethical considerations into the decision-making process.

• *Effective Management:* Instilling a performance management philosophy that fosters creativity, focuses on results, and requires accountability at all levels.

• *Research and Technology:* Incorporating research findings and new technologies to improve work practices, products, and services.

The NPS regulatory priorities for the coming year include:

• Managing Off-Road Vehicle Use.

Rules for Fire Island National Seashore, Glen Canyon National Recreation Area, Cape Lookout National Seashore, and Big Cypress National Preserve would allow for management of off-road vehicle (ORV) use, to protect and preserve natural and cultural resources, and provide a variety of visitor use experiences while minimizing conflicts among user groups. Further, the rules would designate ORV routes and establish operational requirements and restrictions.

• Managing Bicycling.

A new rule would authorize and allow for management of bicycling at Rocky Mountain National Park.

• Implementing the Native American Graves Protection and Repatriation Act.

(1) A new rule would establish a process for disposition of Unclaimed Human Remains and Funerary Objects discovered after November 16, 1990, on Federal or Indian Lands.

(2) A rule revising the existing regulations would describe the NAGPRA process in plain language, eliminate ambiguity, clarify terms, and include Native Hawaiians in the process. The rule would eliminate unnecessary requirements for museums and would not add processes or collect additional information.

• Regulating non-Federal oil and gas activity on NPS land.

NPS will revise its existing regulations to account for new technology and industry practices, eliminate regulatory exemptions, update new legal requirements, remove caps on bond amounts, and allow the NPS to recover compliance costs associated with administering the regulations.

• Managing service animals.

The rule will define and differentiate service animals from pets, and will describe the circumstances under which service animals would be allowed in a park area. The rule will ensure NPS compliance with Section 504 of the Rehabilitation Act of 1973 (28 U.S.C. 794) and better align NPS regulations with the Americans with Disabilities

Act of 1990 (42 U.S.C. 1211 *et seq.*) and the Department of Justice Service Animal regulations of 2011 (28 CFR 36.104).

• Preserving and managing paleontological resources.

This rule would implement provisions of the Paleontological Resources Protection Act. The rule would preserve, manage, and protect paleontological resources on Federal lands and ensure that these resources are available for current and future generations to enjoy as part of America's national heritage. The rule would address management, collection, and curation of paleontological resources from Federal lands using scientific principles and expertise. Provisions of the rule will ensure that resources are collected in accordance with permits and curated in an approved repository. The rule would also protect confidential locality data, and authorize penalties for illegally collecting, damaging, altering, defacing, or selling paleontological resources.

• Collecting plants for traditional cultural practices.

The rule will authorize Park Superintendents to enter into agreements with federally recognized tribes to permit tribal members to collect limited quantities of plant resources in parks to be used for traditional cultural practices and activities.

Bureau of Reclamation

The Bureau of Reclamation's mission is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. To accomplish this mission, we employ management, engineering, and science to achieve effective and environmentally sensitive solutions.

Reclamation projects provide: Irrigation water service, municipal and industrial water supply, hydroelectric power generation, water quality improvement, groundwater management, fish and wildlife enhancement, outdoor recreation, flood control, navigation, river regulation and control, system optimization, and related uses. We have continued to focus on increased security at our facilities.

Our regulatory program focus in fiscal year 2016 is to publish a proposed minor amendment to 43 CFR part 429 to bring it into compliance with the requirements of 43 CFR part 5, Commercial Filming and Similar Projects and Still Photography on Certain Areas under Department Jurisdiction. Publishing this rule will implement the provisions of Public Law 106–206, which directs the establishment of permits and reasonable fees for commercial filming and certain still photography activities on public lands.

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DEPARTMENT OF JUSTICE (DOJ)—FALL 2015

Statement of Regulatory Priorities

The mission of the Department of Justice is to enforce the law and defend the interests of the United States according to the law, to ensure public safety against foreign and domestic threats, to provide Federal leadership in preventing and controlling crime, to seek just punishment for those guilty of unlawful behavior, and to ensure the fair and impartial administration of justice for all Americans. In carrying out its mission, the Department is guided by four core values: (1) Equal justice under the law; (2) honesty and integrity; (3) commitment to excellence; and (4) respect for the worth and dignity of each human being. The Department of Justice is primarily a law enforcement agency, not a regulatory agency; it carries out its principal investigative, prosecutorial, and other enforcement activities through means other than the regulatory process.

The regulatory priorities of the Department include initiatives in the areas of civil rights, criminal law enforcement and immigration. These initiatives are summarized below. In addition, several other components of the Department carry out important responsibilities through the regulatory process. Although their regulatory efforts are not separately discussed in this overview of the regulatory priorities, those components have key roles in implementing the Department's anti-terrorism and law enforcement priorities.

Civil Rights Division

The Department is including four disability nondiscrimination rulemaking initiatives in its Regulatory Plan: (1) Implementation of the ADA Amendments Act of 2008 in the ADA regulations (titles II and III); (2) Implementation of the ADA Amendments Act of 2008 in the Department's section 504 regulations; (3) Nondiscrimination on the Basis of Disability by Public Accommodations: Movie Captioning and Audio Description; and (4) Accessibility of Web Information and Services of State and Local Governments.

The Department will also be revising its regulations for Coordination of Enforcement of Non-Discrimination in Federally Assisted Programs, as well as revising regulations implementing section 274B of the Immigration and Nationality Act.

The Department's other disability nondiscrimination rulemaking initiatives, while important priorities for the Department's rulemaking agenda, will be included in the Department's long-term actions for fiscal years 2017 and 2018. As will be discussed more fully below, these initiatives include: (1) Accessibility of Medical Equipment and Furniture; (2) Accessibility of Beds in Guestrooms with Mobility Features in Places of Lodging; (3) Next Generation 9–1–1 Services; (4) Accessibility of Web Information and Services of Public Accommodations; and (5) Accessibility of Equipment and Furniture.

Regulatory Plan Initiatives

ADA Amendments Act. In September 2008, Congress passed the ADA Amendments Act, which revises the definition of ''disability'' to more broadly encompass impairments that substantially limit a major life activity. On January 30, 2014, the Department published a Notice of Proposed Rulemaking (NPRM) proposing amendments to both its title II and title III ADA regulations in order to incorporate the statutory changes set forth in the ADA Amendments Act. The comment period closed on March 31, 2014. The Department expects to publish a final rule incorporating these changes into the ADA implementing regulations in fiscal year 2016. The Department also plans to propose amendments to its section 504 regulations to implement the ADA Amendments Act of 2008 in fiscal year 2016.

Captioning and Audio Description in Movie Theaters. Title III of the ADA requires public accommodations to take ''such steps as may be necessary to ensure that no individual with a disability is treated differently because of the absence of auxiliary aids and services, unless the covered entity can demonstrate that taking such steps would cause a fundamental alteration or would result in an undue burden.'' 42 U.S.C. 12182(b)(2)(A)(iii). Both open and closed captioning and audio recordings are examples of auxiliary aids and services that should be provided by places of public accommodations, 28 CFR 36.303(b)(1)–(2). The Department stated in the preamble to its 1991 rule that ''[m]ovie

theaters are not required . . . to present open-captioned films,'' 28 CFR part 36, app. C (2011), but it did not address closed captioning and audio description in movie theaters. In the movie theater context, ''closed captioning'' refers to captions that only the patron requesting the closed captions can see because the captions are delivered to the patron at or near the patron's seat. Audio description is a technology that enables individuals who are blind or have low vision to enjoy movies by providing a spoken narration of key visual elements of a visually delivered medium, such as actions, settings, facial expressions, costumes, and scene changes.

Since 1991, there have been many technological advances in the area of closed captioning and audio description for first-run movies. In June 2008, the Department issued an NPRM to revise the ADA title III regulation, 73 FR 34466, in which the Department stated that it was considering options for requiring that movie theater owners or operators exhibit movies that are captioned or that provide video (narrative) description. The Department issued an ANPRM on July 26, 2010, to obtain more information regarding issues raised by commenters; to seek comment on technical questions that arose from the Department's research; and to learn more about the status of digital conversion. In addition, the Department sought information regarding whether other technologies or areas of interest (*e.g.,* 3D) have developed or are in the process of development that would either replace or augment digital cinema or make any regulatory requirements for captioning and audio description more difficult or expensive to implement. The Department received approximately 1,171 public comments in response to its movie captioning and video description ANPRM. On August 1, 2014, the Department published its NPRM proposing to revise the ADA title III regulation to require movie theaters to have the capability to exhibit movies with closed movie captioning and audio description (which was described in the ANPRM as video description) for all showings of movies that are available with closed movie captioning or audio description, to require theaters to provide notice to the public about the availability of these services, and to ensure that theaters have staff available who can provide information to patrons about the use of these services. In response to a request for an extension of the public comment period, the Department has issued a notice extending the comment period for 60 days until December 1, 2014. The Department received approximately 435 public comments in response to the movie captioning and audio description NPRM and expects to publish a final rule during fiscal year 2016.

Web site Accessibility: State and local Governments. The Internet as it is known today did not exist when Congress enacted the ADA, yet today the Internet plays a critical role in the daily personal, professional, civic, and business life of Americans. The ADA's expansive nondiscrimination mandate reaches goods and services provided by public accommodations and public entities using Internet Web sites. Being unable to access Web sites puts individuals at a great disadvantage in today's society, which is driven by a dynamic electronic marketplace and unprecedented access to information. For individuals with disabilities who experience barriers to their ability to travel or to leave their homes, the Internet may be their only way to access certain government programs and services. In this regard, the Internet is dramatically changing the way that governmental entities serve the public. Public entities are increasingly providing their constituents access to government services and programs through their Web sites. Information available on the Internet has become a gateway to education, and participation in many other public programs and activities. Through Government Web sites, the public can obtain information or correspond with local officials without having to wait in line or be placed on hold. They can also pay fines, apply for benefits, renew State-issued identification, register to vote, file taxes, request copies of vital records, and complete numerous other everyday tasks. The availability of these services and information online not only makes life easier for the public but also often enables governmental entities to operate more efficiently and at a lower cost.

The ADA's promise to provide an equal opportunity for individuals with disabilities to participate in and benefit from all aspects of American civic and economic life will be achieved in today's technologically advanced society only if it is clear to State and local governments that their Web sites must be accessible. Consequently, the Department is planning to amend its regulation implementing title II of the ADA to require public entities that provide services, programs or activities to the public through Internet Web sites to make their sites accessible to and usable by individuals with disabilities.

The Department, in its 2010 ANPRM on Web site accessibility, indicated that it was considering amending its regulations implementing titles II and III of the ADA to require Web site accessibility and it sought public comment regarding what standards, if any, it should adopt for Web site accessibility, whether the Department should adopt coverage limitations for certain entities, and what resources and services are available to make existing Web sites accessible to individuals with disabilities. The Department also solicited comments on the costs of making Web sites accessible and on the existence of any other effective and reasonably feasible alternatives to making Web sites accessible. The Department received approximately 440 public comments and is in the process of reviewing these comments. The Department will be publishing separate NPRMs addressing Web site accessibility pursuant to titles II and III of the ADA. The Department expects to publish the title II NPRM early in fiscal year 2016.

Coordination of Enforcement of Non-Discrimination in Federally Assisted Programs. In addition, the Department is planning to revise the coordination regulations implementing title VI of the Civil Rights Act, which have not been updated in over 30 years. Among other things, the updates will revise outdated provisions, streamline procedural steps, streamline and clarify provisions regarding information and data collection, promote opportunities to encourage public engagement, and incorporate current law regarding meaningful access for individuals who are limited English proficient. The Department expects to publish its NPRM during fiscal year 2016.

Implementation of Section 274B of the Immigration and Nationality Act. The Department also proposes to revise regulations implementing section 274B of the Immigration and Nationality Act, and to reflect the new name of the office within the Department charged with enforcing this statute. The proposed revisions are appropriate to conform the regulations to the statutory text as amended, simplify and add definitions of statutory terms, update and clarify the procedures for filing and processing charges of discrimination, ensure effective investigations of unfair immigration-related employment practices, and update outdated references. The Department expects to publish an NPRM proposing these changes during fiscal year 2016.

Long-Term Actions

The remaining disability nondiscrimination rulemaking initiatives from the 2010 ANPRMs are

included in the Department's long-term priorities projected for fiscal years 2017 and 2018:

Next Generation 9–1–1. This ANPRM sought information on possible revisions to the Department's regulation to ensure direct access to Next Generation 9–1–1 (NG 9–1–1) services for individuals with disabilities. In 1991, the Department of Justice published a regulation to implement title II of the Americans with Disabilities Act of 1990 (ADA). That regulation requires public safety answering points (PSAPs) to provide direct access to persons with disabilities who use analog telecommunication devices for the deaf (TTYs), 28 CFR 35.162. Since that rule was published, there have been major changes in the types of communications technology used by the general public and by people who have disabilities that affect their hearing or speech. Many individuals with disabilities now use the Internet and wireless text devices as their primary modes of telecommunications. At the same time, PSAPs are planning to shift from analog telecommunications technology to new Internet-Protocol (IP)-enabled NG 9–1–1 services that will provide voice and data (such as text, pictures, and video) capabilities. As PSAPs transition from the analog systems to the new technologies, it is essential that people with communication disabilities be able to use the new systems. Therefore, the Department published this ANPRM to begin to develop appropriate regulatory guidance for PSAPs that are making this transition. The Department is in the process of completing its review of the approximately 146 public comments it received in response to its NG 9–1–1 ANPRM and expects to publish an NPRM addressing accessibility of NG 9–1–1 during fiscal year 2017.

Web site Accessibility: Public Accommodations. As noted above, the ADA's expansive nondiscrimination mandate reaches the goods and services provided by public accommodations using Internet Web sites. The inability to access Web sites puts individuals at a great disadvantage in today's society, which is driven by a dynamic electronic marketplace and unprecedented access to information. On the economic front, electronic commerce, or ''e-commerce,'' often offers consumers a wider selection and lower prices than traditional, ''brick-and-mortar'' storefronts, with the added convenience of not having to leave one's home to obtain goods and services. And, as also stated above, for individuals with disabilities who experience barriers to their ability to travel or to leave their homes, the Internet may be their only way to access certain goods and services. Beyond goods and services, information available on the Internet has become a gateway to education, socializing, and entertainment.

The Department's 2010 ANPRM on Web site accessibility, as previously pointed out, sought public comment regarding what standards, if any, it should adopt for Web site accessibility, whether the Department should adopt coverage limitations for certain entities, including small businesses, and what resources and services are available to make existing Web sites accessible to individuals with disabilities. The Department also solicited comments on the costs of making Web sites accessible and on the existence of any other effective and reasonably feasible alternatives to making Web sites accessible. The Department is reviewing the public comments received in response to the ANPRM and, as noted above, plans to publish the title II NPRM on Web site accessibility early in fiscal year 2016. The Department believes that the title II Web site accessibility rule will facilitate the creation of an important infrastructure for Web accessibility that will be very important in the Department's preparation of the title III Web site accessibility NPRM. Consequently, the Department has decided to extend the time period for development of the proposed title III Web site accessibility rule and include it among its long-term rulemaking priorities. The Department expects to publish the title III Web site accessibility NPRM during fiscal year 2018.

Equipment and Furniture. Both title II and title III of the ADA require covered entities to make reasonable modifications in their programs or services to facilitate participation by persons with disabilities. In addition, covered entities are required to ensure that people are not excluded from participation because facilities are inaccessible or because the entity has failed to provide auxiliary aids. The use of accessible equipment and furniture is often critical to an entity's ability to provide a person with a disability equal access to its services. Changes in technology have resulted in the development and improved availability of accessible equipment and furniture that benefit individuals with disabilities. The 2010 ADA Standards include accessibility requirements for some types of fixed equipment (*e.g.,* ATMs, washing machines, dryers, tables, benches and vending machines) and the Department plans to look to these standards for guidance, where applicable, when it proposes accessibility standards for equipment and furniture that is not fixed. The ANPRM sought information about other categories of equipment, including beds in accessible guest rooms, and medical equipment and furniture. The Department received approximately 420 comments in response to its ANPRM and is in the process of reviewing these comments. The Department plans to publish in fiscal year 2017 a separate NPRM pursuant to title III of the ADA on beds in accessible guest rooms, and in fiscal year 2018 an NPRM pursuant to titles II and III of the ADA that focuses solely on accessible medical equipment and furniture. The remaining items of equipment and furniture addressed in the 2010 ANPRM will be the subject of an NPRM that the Department anticipates publishing in fiscal year 2018.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

ATF issues regulations to enforce the Federal laws relating to the manufacture and commerce of firearms and explosives. ATF's mission and regulations are designed to, among other objectives, curb illegal traffic in, and criminal use of, firearms and explosives, and to assist State, local, and other Federal law enforcement agencies in reducing crime and violence. The Department is planning to finalize a proposed rule to amend ATF's regulations regarding the making or transferring of a firearm under the National Firearms Act. As proposed, this rule would (1) add a definition for the term ''responsible person''; (2) require each responsible person of a corporation, trust or legal entity to complete a specified form, and to submit photographs and fingerprints; and (3) modify the requirements regarding the certificate of the chief law enforcement officer.

ATF will continue, as a priority during fiscal year 2016, to seek modifications to its regulations governing commerce in firearms and explosives. ATF plans to issue regulations to finalize the current interim rules implementing the provisions of the Safe Explosives Act, title XI, subtitle C, of Public Law 107–296, the Homeland Security Act of 2002 (enacted Nov. 25, 2002). ATF also has begun a rulemaking process that will lead to promulgation of a revised set of regulations (27 CFR part 771) governing the procedure and practice for proposed denial of applications for explosives licenses or permits and proposed revocation of such licenses and permits.

Drug Enforcement Administration (DEA)

DEA is the primary agency responsible for coordinating the drug law enforcement activities of the United States and also assists in the implementation of the President's National Drug Control Strategy. DEA implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the Controlled Substances Import and Export Act (21 U.S.C. 801–971), as amended, and collectively referred to as the Controlled Substances Act (CSA). DEA's mission is to enforce the CSA and its regulations and bring to the criminal and civil justice system those organizations and individuals involved in the growing, manufacture, or distribution of controlled substances and listed chemicals appearing in or destined for illicit traffic in the United States. DEA promulgates the CSA implementing regulations in title 21 of the Code of Federal Regulations (CFR), parts 1300 to 1321. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs of the United States.

Pursuant to its statutory authority, DEA continuously evaluates new and emerging substances to determine whether such substances should be controlled under the CSA. During fiscal year 2016, in addition to initiating temporary scheduling actions to prevent imminent hazard to the public safety, DEA will also consider petitions to control or reschedule various substances. Among other regulatory reviews and initiatives, the DEA will initiate the notice of proposed rulemaking titled, ''Transporting Controlled Substances Away from Principal Places of Business or Principal Places of Professional Practice on an As Needed and Random Basis.'' In this rule, the DEA proposes to amend its regulations governing the registration, security, reporting, recordkeeping, and ordering requirements in circumstances where practitioners transport controlled substances for dispensing to patients on an as needed and random basis. Lastly, the DEA will finalize its Interim Final Rule for Electronic Prescriptions for Controlled Substances. By this final rule, the DEA would finalize its regulations to clarify: (1) The criteria by which DEA-registered practitioners may electronically issue controlled substance prescriptions; and (2) the criteria by which DEA-registered pharmacies may receive and archive these electronic prescriptions.

Bureau of Prisons

The Federal Bureau of Prisons issues regulations to enforce the Federal laws relating to its mission: To protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. During the next 12 months, in addition to other regulatory objectives aimed at accomplishing its mission, the Bureau will continue its ongoing efforts to: Streamline regulations, eliminating unnecessary language and improving readability; improve disciplinary procedures through a revision of the subpart relating to the disciplinary process; reduce the introduction of contraband through various means, such as clarifying drug and alcohol surveillance testing programs; protect the public from continuing criminal activity committed within prison; and enhance the Bureau's ability to more closely monitor the communications of high-risk inmates.

Executive Office for Immigration Review (EOIR)

On March 1, 2003, pursuant to the Homeland Security Act of 2002 (HSA), the responsibility for immigration enforcement and border security and for providing immigration-related services and benefits, such as naturalization, immigrant petitions, and work authorization, was transferred from the Justice Department's former Immigration and Naturalization Service (INS) to the Department of Homeland Security (DHS). However, the immigration judges and the Board of Immigration Appeals (Board) in EOIR remain part of the Department of Justice. The immigration judges adjudicate approximately 300,000 cases each year to determine whether aliens should be ordered removed from the United States or should be granted some form of relief from removal. The Board has jurisdiction over appeals from the decisions of immigration judges, as well as other matters. Accordingly, the Attorney General has a continued role in the conducting of immigration proceedings, including removal proceedings and custody determinations regarding the detention of aliens pending completion of removal proceedings. The Attorney General also is responsible for civil litigation and criminal prosecutions relating to the immigration laws.

In several pending rulemaking actions, the Department is working to revise and update the regulations relating to immigration proceedings in order to further EOIR's primary mission to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. These pending regulations include but are not limited to: A proposed regulation to establish procedures for the filing and adjudication of motions to reopen removal, deportation, and exclusion proceedings based upon a claim of ineffective assistance of counsel; a final regulation to improve the recognition and accreditation process for organizations and representatives that appear in immigration proceedings before EOIR; and a proposed regulation to implement procedures that address the specialized needs of unaccompanied alien children in removal proceedings pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. In addition, EOIR recently published a final regulation to allow for separate representation in custody and bond proceedings and a final regulation to enhance the eligibility requirements for providers to appear on the List of Pro Bono Legal Service Providers. Finally, in response to Executive Order 13653, the Department is retrospectively reviewing EOIR's regulations to eliminate regulations that unnecessarily duplicate DHS's regulations and update outdated references to the pre-2002 immigration system.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. Some of these entries on this list may be completed actions, which do not appear in *The Regulatory Plan.* However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. The final Justice Department plan can be found at: *http://www.justice.gov/open/doj-rr-final-plan.pdf.*

RIN	Title	Description
1125–AA62	List of Pro Bono Legal Service Providers for Aliens in Immigration Proceedings.	The Department has published a Final rule amending the EOIR regulations to enhance the eligibility requirements for organizations, private attorneys, and referral services to be included on the List of Pro Bono Legal Service Providers.
1125–AA71	Retrospective Regulatory Review Under E.O. 13563 of 8 CFR Parts 1003, 1103, 1211, 1212, 1215, 1216, 1235.	Advance notice of future rulemaking concerning appeals of DHS decisions (8 CFR part 1103), documentary requirements for aliens (8 CFR parts 1211 and 1212), control of aliens departing from the United States (8 CFR part 1215), procedures governing conditional permanent resident status (8 CFR part 1216), and inspection of individuals applying for admission to the United States (8 CFR part 1235). A number of attorneys, firms, and organizations in immigration practice are small entities. EOIR believes this rule will improve the efficiency and fairness of adjudications before EOIR by, for example, eliminating duplication, ensuring consistency with the Department of Homeland Security's regulations in chapter I of title 8 of the CFR, and delineating more clearly the authority and jurisdiction of each agency. The ANPRM was published on 9/28/2012. The comment period closed on 11/27/2012. EOIR is currently in the process of reviewing the comments received and drafting two follow-up NPRMs.
1125–AA72	Recognition of Organizations and Accreditations of Non-Attorney Representatives.	This rule amends the regulations governing the requirements and procedures for authorizing representatives of non-profit religious, charitable, social service, or similar organizations to represent persons in proceedings before the Executive Office for Immigration Review (EOIR) and the Department of Homeland Security (DHS).
1125–AA78	Separate Representation for Custody and Bond Proceedings.	The Department has published a Final rule amending the Executive Office for Immigration Review (EOIR) regulations relating to the representation of aliens in custody and bond proceedings by allowing a representative to enter an appearance in custody and bond proceedings before EOIR without committing to appear on behalf of the alien for all proceedings before the Immigration Court.
1117–AB37	Transporting to Dispense Controlled Substances on an As-Needed and Random Basis.	DEA proposes to amend its regulations to clearly delineate how to transport, dispense, and store controlled substances away from registered locations when such activities are for the purpose of dispensing controlled substances on an as-needed and random basis. These proposed amendments include changes necessary to implement the Veterinary Medicine Mobility Act of 2014 and to clarify controlled substance handling requirements for emergency response operations.
1117–AB41	Implementation of the International Trade Data System.	DEA plans to update its regulations for the import and export of tableting and encapsulating machines, controlled substances, and listed chemicals, and its regulations relating to reports required for domestic transactions in listed chemicals, gammy-hydroxybutyric acid, and tableting and encapsulating machines. In accordance with Executive Order 13563, the DEA has plans to review its import and export regulations and reporting requirements for domestic transactions in listed chemicals (and gammy-hydroxybutyric acid) and tableting and encapsulating machines, and evaluate them for clarity, consistency, continued accuracy, and effectiveness. The proposed amendments would clarify certain policies and reflect current procedures and technological advancements. The amendments would also allow for the implementation, as applicable to tableting and encapsulating machines, controlled substances, and listed chemicals, of the President's Executive Order 13659 on streamlining the export/import process and requiring the government-wide utilization of the International Trade Data System.
1121–AA85; 1121–AA86.	Public Safety Officers' Benefits (PSOB) Program.	These two related rules are a priority because certain key provisions of the PSOB rule have been superseded by statutory change, a need exists to improve the overall efficiency of the program, and the last significant update to the rules was in 2008. The first rule would be relatively short and would update the existing regulation to address issues related to injuries and deaths of public safety officers asserted to have been caused by 9/11 services, and offset issues with the 9/11 Victim Compensation Fund. The second rule would be a more comprehensive update of the PSOB regulation. These revisions are necessary as a result of significant changes to the Program following the enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012 (signed into law in January 2013), as well as recommendations from an OIG Audit finalized in July 2015, and other internal reviews that identified the need to streamline the claims review process to reduce delays and increase transparency.

Executive Order 13609—Promoting International Regulatory Cooperation

The Department is not currently engaged in international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

Executive Order 13659

Executive Order 13659, ''Streamlining the Export/Import Process for America's Businesses,'' provided new directives for agencies to improve the

technologies, policies, and other controls governing the movement of goods across our national borders. This includes additional steps to implement the International Trade Data System as an electronic information exchange capability, or ''single window,'' through which businesses will transmit data required by participating agencies for the importation or exportation of cargo.

At the Department of Justice, stakeholders must obtain pre-import and pre-export authorizations from the Drug Enforcement Administration (DEA) (relating to controlled substances and listed chemicals), or from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) (relating to firearms, ammunition, and explosives). The ITDS ''single window'' will work in conjunction with these pre-import and pre-export authorizations. Because the ITDS excludes applications for permits, licenses, or certifications, the ITDS single window will not be used by DEA registrants, regulated persons, or brokers or traders applying for permits or filing import/export declarations, notifications or reports. The DEA import/export application and filing processes will continue to remain separate from (and in advance of) the ITDS single window. Entities will continue to use the DEA application and filing processes; however, the processes will be electronic rather than paper. After DEA's approval or notification of receipt as appropriate, the DEA will transmit the necessary information electronically to the ITDS and the registrant or regulated person.

Pursuant to section 6 of E.O. 13659, DEA and ATF have consulted with U.S. Customs and Border Protection (CBP) and are continuing to study what modifications and technical changes to their existing regulations and operational systems are needed to achieve the goals of E.O. 13659.

DOJ—CIVIL RIGHTS DIVISION (CRT)

Proposed Rule Stage

70. Implementation of the ADA Amendments Act of 2008 (Section 504 of the Rehabilitation Act of 1973)

Priority: Other Significant.

Legal Authority: Pub. L. 110–325; 29 U.S.C. 794 (sec 504 of the Rehabilitation Act of 1973, as amended); E.O. 12250 (45 FR 72955; 11/04/1980)

CFR Citation: 28 CFR 39; 28 CFR 41; 28 CFR 42, subpart G.

Legal Deadline: None.

Abstract: This rule would propose to amend the Department's regulations implementing section 504 of the Rehabilitation Act of 1973, as amended, 28 CFR part 39 and part 42, subpart G, and its regulation implementing Executive Order 12250, 28 CFR part 41, to reflect statutory amendments to the definition of disability applicable to section 504 of the Rehabilitation Act, which were enacted in the ADA Amendments Act of 2008, Public Law 110–325, 122 Stat. 3553 (Sep. 25, 2008). The ADA Amendments Act took effect on January 1, 2009. The ADA Amendments Act revised 29 U.S.C. 705, to make the definition of disability used in the nondiscrimination provisions in title V of the Rehabilitation Act consistent with the amended ADA requirements. These amendments (1) add illustrative lists of ''major life activities,'' including ''major bodily functions,'' that provide more examples of covered activities and covered conditions than are now contained in agency regulations (sec 3[2]); (2) clarify that a person who is ''regarded as'' having a disability does not have to be regarded as being substantially limited in a major life activity (sec 3[3]); and (3) add rules of construction regarding the definition of disability that provide guidance in applying the term ''substantially limits'' and prohibit consideration of mitigating measures in determining whether a person has a disability (sec 3[4]). The Department anticipates that these changes will be published for comment in a proposed rule within the next 12 months. During the drafting of these revisions, the Department will also review the currently published rules to ensure that any other legal requirements under the Rehabilitation Act have been properly addressed in these regulations.

Statement of Need: This rule is necessary to bring the Department's prior section 504 regulations into compliance with the ADA Amendments Act of 2008, which became effective on January 1, 2009.

Summary of Legal Basis: The summary of the legal basis of authority for this regulation is set forth above in the abstract.

Alternatives: Because this NPRM implements statutory changes to the section 504 definition of disability, there are no appropriate alternatives to issuing this NPRM.

Anticipated Cost and Benefits: The Department's preliminary assessment in this early stage of the rulemaking process is that this rule will not be ''economically significant,'' that is, that the rule will not have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal Governments or communities. The Department's section 504 rule will incorporate the same changes made by the ADA Amendments Act to the definition of disability as are included in the proposed changes to the ADA title II and title III rules (1190–AA59), which will be published in the **Federal Register** in the near future. Therefore, we do not believe that the revisions to the Department's existing section 504 federally assisted regulations will have any additional economic impact, because public and private entities that receive federal financial assistance from the Department are also likely to be subject to titles II or III of the ADA. The Department expects to consider further the economic impact of the proposed rule on the Department's existing section 504 federally conducted regulations, but anticipates that the rule will not be economically significant within the meaning of Executive Order 12866. This is because the revisions to these regulations will only apply to the Department's programs and activities and how those programs and activities are operated so as to ensure compliance with the nondiscrimination requirements of section 504. In the NPRM, the Department will be soliciting public comment in response to its initial assessment of the impact of the proposed rule.

Risks: Failure to update the Department's section 504 regulations to conform to statutory changes will interfere with the Department's enforcement efforts and lead to confusion about the law's requirements among entities that receive Federal financial assistance from the Department or who participate in its federally conducted programs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/16	
NPRM Comment Period End.	06/00/16	
Final Action	12/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State.

Federalism: Undetermined.

Agency Contact: Rebecca B. Bond, Chief, Department of Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, *Phone:* 800 514–0301.

RIN: 1190–AA60

DOJ—CRT

71. Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Governments

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 12101 *et seq.*

CFR Citation: 28 CFR 35.

Legal Deadline: None.

Abstract: The Department published an ANPRM on July 26, 2010, RIN 1190–AA61, that addressed issues relating to proposed revisions of both the title II and title III ADA regulations in order to provide guidance on the obligations of covered entities to make programs, services and activities offered over the Web accessible to individuals with disabilities. The Department has now divided the rulemakings in the next step of the rulemaking process so as to proceed with separate notices of proposed rulemakings for title II and title III. The title III rulemaking on Web accessibility will continue under RIN 1190–AA61 and the title II rulemaking will continue under the new RIN 1190–AA65. This rulemaking will provide specific guidance to State and local governments in order to make services, programs, or activities offered to the public via the Web accessible to individuals with disabilities. The ADA requires that State and local governments provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. 42. U.S.C. 12132. The Internet as it is known today did not exist when Congress enacted the ADA; yet today the Internet is dramatically changing the way that governmental entities serve the public. Taking advantage of new technology, citizens can now use State and local government Web sites to correspond online with local officials; obtain information about government services; renew library books or driver's licenses; pay fines; register to vote; obtain tax information and file tax returns; apply for jobs or benefits; and complete numerous other civic tasks. These Government Web sites are important because they allow programs and services to be offered in a more dynamic, interactive way in order to increase citizen participation; increase convenience and speed in obtaining information or services; reduce costs in providing information about Government services and administering programs; reduce the amount of paperwork; and expand the possibilities of reaching new sectors of the community or offering new programs or services. Many States and localities have begun to improve the accessibility of portions of their Web sites. However, full compliance with the ADA's promise to provide an equal opportunity for individuals with disabilities to participate in and benefit from all aspects of the programs, services, and activities provided by State and local governments in today's technologically advanced society will only occur if it is clear to public entities that their Web sites must be accessible. Consequently, the Department intends to publish a Notice of Proposed Rulemaking (NPRM) to amend its title II regulations to expressly address the obligations of public entities to make the Web sites they use to provide programs, activities, or services or information to the public accessible to and usable by individuals with disabilities under the legal framework established by the ADA. The proposed regulation will propose the scope of the obligation to provide accessibility when persons with disabilities access public Web sites, as well as propose the technical standards necessary to comply with the ADA.

Statement of Need: Many people with disabilities use ''assistive technology'' to enable them to use computers and access the Internet. Individuals who are blind or have low vision who cannot see computer monitors may use screen readers—devices that speak the text that would normally appear on a monitor. People who have difficulty using a computer mouse can use voice recognition software to control their computers with verbal commands. People with other types of disabilities may use still other kinds of assistive technology. New and innovative assistive technologies are being introduced every day.

Web sites that do not accommodate assistive technology, for example, can create unnecessary barriers for people with disabilities, just as buildings not designed to accommodate people with disabilities prevent some individuals from entering and accessing services. Web designers may not realize how simple features built into a Web site will assist someone who, for instance, cannot see a computer monitor or use a mouse. In addition, in many cases, these Web sites do not provide captioning for videos or live events streamed over the web, leaving persons who are deaf or hard of hearing unable to access the information that is being provided. Although an increasing number of State and local Governments are making efforts to provide accessible Web sites, because there are no specific ADA standards for Web site accessibility, these Web sites vary in actual usability.

Summary of Legal Basis: The ADA requires that State and local Governments provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. 42. U.S.C. 12132.

Alternatives: The Department intends to consider various alternatives for ensuring full access to Web sites of State and local Governments and will solicit public comment addressing these alternatives.

Anticipated Cost and Benefits: The Department anticipates that this rule will be ''economically significant,'' that is, that the rule will have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal Governments or communities. However, the Department believes that revising its title II rule to clarify the obligations of State and local Governments to provide accessible Web sites will significantly increase the opportunities for citizens with disabilities to participate in, and benefit from, State and local Government programs, activities, and services. It will also ensure that individuals have access to important information that is provided over the Internet, including emergency information. The Department also believes that providing accessible Web sites will benefit State and local Governments as it will increase the numbers of citizens who can use these Web sites, and thus improve the efficiency of delivery of services to the public. In drafting this NPRM, the Department will attempt to minimize the compliance costs to State and local Governments while ensuring the benefits of compliance to persons with disabilities.

Risks: If the Department does not revise its ADA title II regulations to address Web site accessibility, persons with disabilities in many communities will continue to be unable to access their State and local governmental services in the same manner available to citizens without disabilities, and in some cases will not be able to access those services at all.

Timetable:

Action	Date	FR Cite
ANPRM	07/26/10	75 FR 43460

Action	Date	FR Cite
ANPRM Comment Period End.	01/21/11	
NPRM	01/00/16	
NPRM Comment Period End.	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Local, State.

Federalism: Undetermined.

Additional Information: Split from RIN 1190–AA61.

Agency Contact: Rebecca B. Bond, Chief, Department of Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, *Phone:* 800 514–0301.

RIN: 1190–AA65

DOJ—CRT

72. Revision of Standards and Procedures for the Enforcement of Section 274B of the Immigration and Nationality Act

Priority: Other Significant.

Legal Authority: 5 U.S.C. 301; 8 U.S.C. 1103(a)(1); 8 U.S.C. 1103(g); 8 U.S.C. 1324b; 28 U.S.C. 509; 28 U.S.C. 510; 28 U.S.C. 515–519

CFR Citation: 28 CFR 0; 28 CFR 44.

Legal Deadline: None.

Abstract: The Department of Justice proposes to revise regulations implementing section 274B of the Immigration and Nationality Act and to reflect the new name of the office within the Department charged with enforcing this statute. The proposed revisions are appropriate to conform the regulations to the statutory text as amended, simplify and add definitions of statutory terms, update and clarify the procedures for filing and processing charges of discrimination, ensure effective investigations of unfair immigration-related employment practices, and update outdated references.

Statement of Need: The regulatory revisions are necessary to conform the regulations to section 274B of the Immigration and Nationality Act (INA), as amended. The regulatory revisions also simplify and add definitions of statutory terms, update and clarify the procedures for filing and processing charges of discrimination, ensure effective investigations of unfair immigration-related employment practices, replace outdated references, and reflect the new name of the office within the Department charged with enforcing this statute.

Summary of Legal Basis: Statutory Authority: 8 U.S.C. 1324b; 8 U.S.C. 1103(a)(1), (g).

Alternatives: The Department believes that an NPRM is the most appropriate, and for some revisions a necessary, method for achieving the goals of the revisions. Issuing this NPRM is necessary to correct outdated regulatory provisions and incorporate statutory changes to section 274B of the INA. Likewise, revising the regulations to be consistent with longstanding agency guidance and relevant case law is appropriate and will reduce potential confusion about the law. Further, because the regulations already include procedures for filing and processing charges, it is appropriate to revise the regulations to reflect updates to these processes and procedures. Finally, it is appropriate to update the regulations to reflect the new name of the office charged with enforcing the statute.

Anticipated Cost and Benefits: The Department has determined that this rule is not economically significant, that is, that the rule will not have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal governments or communities. Any estimated costs to the public relate to costs employers may incur familiarizing themselves with the rule, updating their relevant policies if needed, and participating in a voluntary training webinar. In the NPRM, the Department will be soliciting public comment in response to its preliminary analysis regarding the costs imposed by the rule. While not easily quantifiable due to data limitations, the Department identified several benefits of the rule, including: (1) Helping employers understand the law more efficiently, (2) increasing public access to government services, and (3) eliminating public confusion regarding two offices in the Federal government with the same name.

Risks: Failure to update the regulations to conform to the statutory amendments will interfere with the Department's enforcement efforts. Further, failure to revise the regulations to reflect changes to the filing and processing of charges and the new name of the office charged with enforcing the law will lead to confusion among the public, most specifically employers subject to the law's requirements and workers whose rights are guaranteed by the law.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	
NPRM Comment Period End.	01/00/16	
Final Action	11/00/16	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Alberto Ruisanchez, Deputy Special Counsel, OSC, Department of Justice, Civil Rights Division, 1425 New York Ave. NW., Suite 9000, Washington, DC 20530, *Phone:* 202 616–5594, *Fax:* 202 616–5509, *Email: osccrt@usdoj.gov*.

RIN: 1190–AA71

DOJ—CRT

Final Rule Stage

73. Implementation of the ADA Amendments Act of 2008 (Title II and Title III of the ADA)

Priority: Other Significant.

Legal Authority: Pub. L. 110–325; 42 U.S.C. 12134(a); 42 U.S.C. 12186(b)

CFR Citation: 28 CFR 35; 28 CFR 36.

Legal Deadline: None.

Abstract: This rule would propose to amend the Department's regulations implementing title II and title III of the Americans with Disabilities Act (ADA), 28 CFR part 35 and 28 CFR part 36, to implement changes to the ADA enacted in the ADA Amendments Act of 2008, Public Law 110–325, 122 Stat. 3553 (Sept. 25, 2008). The ADA Amendments Act took effect on January 1, 2009. The ADA Amendments Act amended the Americans with Disabilities Act, 42 U.S.C. 12101, *et seq.,* to clarify terms within the definition of disability and to establish standards that must be applied to determine if a person has a covered disability. These changes are intended to mitigate the effects of the Supreme Court's decisions in *Sutton* v. *United Airlines,* 527 U.S. 471 (1999), and *Toyota Motor Manufacturing* v. *Williams,* 534, U.S. 184 (2002). Specifically, the ADA Amendments Act (1) adds illustrative lists of ''major life activities,'' including ''major bodily functions,'' that provide more examples of covered activities and covered conditions than are now contained in agency regulations (42 U.S.C. 12102(2)); (2) clarifies that a person who is ''regarded as'' having a disability does not have to be regarded as being substantially limited in a major life activity (42 U.S.C. 12103(3)); and (3) adds rules of construction regarding the definition of disability that provide guidance in applying the term

''substantially limits'' and prohibit consideration of mitigating measures in determining whether a person has a disability (42 U.S.C. 12102(4)).

Statement of Need: This rule is necessary to bring the Department's ADA regulations into compliance with the ADA Amendments Act of 2008, which became effective on January 1, 2009. In addition, this rule is necessary to make the Department's ADA title II and title III regulations consistent with the ADA title I regulations issued on March 25, 2011 by the Equal Employment Opportunity Commission (EEOC) incorporating the ADA Amendments Act definition of disability.

Summary of Legal Basis: The summary of the legal basis of authority for this regulation is set forth above in the abstract.

Alternatives: In order to ensure consistency in application of the ADA Amendments Act across titles I, II and III of the ADA, this rule is intended to be consistent with the language of the EEOC's rule implementing the ADA Amendments Act with respect to title I of the ADA (employment). The Department will, however, consider alternative regulatory language suggested by commenters so long as it maintains that consistency.

Anticipated Cost and Benefits: The Department's preliminary analysis indicates that the proposed rule would not be ''economically significant,'' that is, the rule will not have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal governments or communities. According to the Department's preliminary analysis, it is anticipated that the rule will cost between $36.32 million and $61.8 million in the first year (the year with the highest costs). The Department estimates that in the first year of the implementation of the proposed rule, approximately 142,000 students will take advantage of additional testing accommodations than otherwise would have been able to without the changes made to the definition of disability to conform to the ADA Amendments Act. The Department believes that this will result in benefits for many of these individuals in the form of significantly higher earnings potential. The Department expects that the rule will also have significant non-quantifiable benefits to persons with newly covered disabilities in other contexts, such as benefits of non-exclusion from the programs, services and activities of State and local governments and public accommodations, and the benefits of access to reasonable modifications of policies, practices and procedures to meet their needs in a variety of contexts. In this NPRM, the Department will be soliciting public comment in response to its preliminary analysis.

Risks: The ADA authorizes the Attorney General to enforce the ADA and to promulgate regulations implementing the law's requirements. Failure to update the Department's regulations to conform to statutory changes and to be consistent with the EEOC regulations under title I of the ADA will interfere with the Department's enforcement efforts and lead to confusion about the law's requirements among entities covered by titles I, II and III of the ADA, as well as members of the public.

Timetable:

Action	Date	FR Cite
NPRM	01/30/14	79 FR 4839
NPRM Comment Period End.	03/31/14	
Final Action	01/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State.

Agency Contact: Rebecca B. Bond, Chief, Department of Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, *Phone:* 800 514–0301.

RIN: 1190–AA59

DOJ—CRT

74. Nondiscrimination on the Basis of Disability; Movie Captioning and Audio Description

Priority: Other Significant.

Legal Authority: 42 U.S.C. 12101, *et seq.*

CFR Citation: 28 CFR 36.

Legal Deadline: None.

Abstract: Following its advance notice of proposed rulemaking published on July 26, 2010, the Department plans to publish a proposed rule addressing the requirements for captioning and video description of movies exhibited in movie theatres under title III of the Americans with Disabilities Act of 1990 (ADA). Title III prohibits discrimination on the basis of disability in the activities of places of public accommodation (private entities whose operations affect commerce and that fall into one of twelve categories listed in the ADA). 42 U.S.C. 12181–12189. Title III makes it unlawful for places of public accommodation, such as movie theaters, to discriminate against individuals with disabilities in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation (42 U.S.C. 12182[a]). Moreover, title III prohibits places of public accommodation from affording an unequal or lesser service to individuals or classes of individuals with disabilities than is offered to other individuals (42 U.S.C. 12182(b)(1)(A)(ii)). Title III requires places of public accommodation to take ''such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently because of the absence of auxiliary aids and services, such as captioning and video description, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden,'' (42 U.S.C. 12182(b)(2)(A)(iii)).

Statement of Need: A significant-and increasing-proportion of Americans have hearing or vision disabilities that prevent them from fully and effectively understanding movies without captioning or audio description. For persons with hearing and vision disabilities, the unavailability of captioned or audio-described movies inhibits their ability to socialize and fully take part in family outings and deprives them of the opportunity to meaningfully participate in an important aspect of American culture. Many individuals with hearing or vision disabilities who commented on the Department's 2010 ANPRM remarked that they have not been able to enjoy a commercial movie unless they watched it on TV, or that when they took their children to the movies they could not understand what they were seeing or discuss what was happening with their children. Today, more and more movies are produced with captions and audio description. However, despite the underlying ADA obligation, the advancement of digital technology and the availability of captioned and audio-described films, many movie theaters are still not exhibiting captioned or audio-described movies, and when they do exhibit them, they are only for a few showings of a movie, and usually at off-times. Recently, a number of theater companies have committed to provide greater availability of captioning and

audio description. In some cases, these have been nationwide commitments; in other cases it has only been in a particular State or locality. A uniform Federal ADA requirement for captioning and audio description is necessary to ensure that access to movies for persons with hearing and vision disabilities is not dictated by the individual's residence or the presence of litigation in their locality. In addition, the movie theater industry is in the process of converting its movie screens to use digital technology, and the Department believes that it will be extremely helpful to provide timely guidance on the ADA requirements for captioning and audio description so that the industry may factor this into its conversion efforts and minimize costs.

Summary of Legal Basis: The summary of the legal basis of authority for this regulation is set forth above in the abstract.

Alternatives: The Department will consider any public comments that propose achievable alternatives that will still accomplish the goal of providing access to movies for persons with hearing and vision disabilities. However, the Department believes that the baseline alternative of not providing such access would be inconsistent with the provisions of title III of the ADA.

Anticipated Cost and Benefits: The Department's preliminary analysis indicates that the proposed rule would not be ''economically significant,'' that is, that the rule will not have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal governments or communities. In the NPRM, the Department solicited public comment in response to its preliminary analysis regarding the costs imposed by the rule.

Risks: Without the proposed changes to the Department's title III regulation, persons with hearing and vision disabilities will continue to be denied access to movies shown in movie theaters and movie theater owners and operators will not understand what they are required to do in order to provide auxiliary aids and services to patrons with hearing and vision disabilities.

Timetable:

Action	Date	FR Cite
ANPRM	07/26/10	75 FR 43467
ANPRM Comment Period End.	01/24/11	
NPRM	08/01/14	79 FR 44975
NPRM Comment Period Extended.	09/08/14	79 FR 53146
NPRM Comment Period End.	09/30/14	
NPRM Extended Comment Period End.	12/01/14	
Final Action	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Rebecca B. Bond, Chief, Department of Justice, Civil Rights Division, Disability Rights Section, 950 Pennsylvania Ave. NW., Washington, DC 20530, *Phone:* 800 514–0301.

RIN: 1190–AA63

DOJ—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR)

Proposed Rule Stage

75. Motions To Reopen Removal, Deportation, or Exclusion Proceedings Based Upon a Claim of Ineffective Assistance of Counsel

Priority: Other Significant.

Legal Authority: 5 U.S.C. 301; 6 U.S.C. 521; 8 U.S.C. 1101, 1103, 1154, 1155, 1158, 1182, 1226, 1229, 1229a, 1229b, 1229c, 1231, 1252, 1254a, 1255, 1282, 1324d, 1330, 1361, 1362; 28 U.S.C. 509, 510, 1746; sec 2 Reorg Plan No 2 of 1950; 3 CFR, 1949–1953, Comp, p 1002; sec 203 of Pub. L. 105–100, 111 Stat 2196–200; sec 1506 and 1510 of Pub. L. 106–386, 114 Stat 1527–29, 1531–32; sec 1505 of Pub. L. 106–554, 114 Stat 2763A–326–328; title VII of Pub. L. 110–229

CFR Citation: 8 CFR 1003; 8 CFR 1208.

Legal Deadline: None.

Abstract: The Department of Justice (Department) is planning to propose to amend the regulations of the Executive Office for Immigration Review (EOIR) by establishing procedures for the filing and adjudication of motions to reopen removal, deportation, and exclusion proceedings based upon a claim of ineffective assistance of counsel. This proposed rule is in response to Matter of Compean, Bangaly & J–E–C–, 25 I&N Dec. 1 (A.G. 2009), in which the Attorney General directed EOIR to develop such regulations. The Department is also planning to propose to amend the EOIR regulations to provide that ineffective assistance of counsel may constitute extraordinary circumstances that may excuse the failure to file an asylum application within one year after the date of arrival in the United States.

Statement of Need: This regulation is necessary to comply with *Matter of Compean, Bangaly & J–E–C–,* 25 I&N Dec. 1 (A.G. 2009), in which the Attorney General directed EOIR to develop regulations governing claims of ineffective assistance of counsel in proceedings before the immigration judges and the Board of Immigration Appeals. The purpose of this proposed rule is to establish uniform procedural and substantive requirements for the filing of motions to reopen based upon a claim of ineffective assistance of counsel and to provide a uniform standard for adjudicating such motions.

Summary of Legal Basis: The summary of the legal basis for the authority for this regulation is set forth in the above abstract.

Alternatives: The Department will consider any public comments it may receive regarding achievable alternatives that will still accomplish the goal of setting forth a framework for claims of ineffective assistance of counsel that supports the integrity of immigration proceedings.

Anticipated Cost and Benefits: The Department's preliminary analysis indicates that the proposed rule would not be economically significant, that is, that the rule will not have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal governments or communities.

Risks: Without the proposed changes to the Department's regulations, the Department will not have complied with the Attorney General's directive in Matter of Compean, Bangaly & J–E–C–, 25 I&N Dec. 1 (A.G. 2009) and the procedural and substantive requirements for filing—and the standards for adjudicating—motions to reopen based upon a claim of ineffective assistance of counsel will lack uniformity.

Timetable:

Action	Date	FR Cite
NPRM	01/00/16	
NPRM Comment Period End.	03/00/16	
Final Action	11/00/16	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Jean King, General Counsel, Department of Justice,

Executive Office for Immigration Review, 5197 Leesburg Pike, Suite 2600, Falls Church, VA 22041, *Phone:* 703 305–0470.

RIN: 1125–AA68

DOJ—EOIR

76. Recognition of Organizations and Accreditation of Non-Attorney Representatives

Priority: Other Significant.

Legal Authority: 5 U.S.C. 301; 6 U.S.C. 521; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1154; 8 U.S.C. 1155; 8 U.S.C. 1158; 8 U.S.C. 1182; 8 U.S.C. 1226; 8 U.S.C. 1229; 8 U.S.C. 1229a; 8 U.S.C. 1229b; 8 U.S.C. 1229c; 8 U.S.C. 1231; 8 U.S.C. 1232; 8 U.S.C. 1252b; 8 U.S.C. 1254a; 8 U.S.C. 1255; 8 U.S.C. 1324d; 8 U.S.C. 1330; 8 U.S.C. 1361; 8 U.S.C. 1362; 28 U.S.C. 509; 28 U.S.C. 510; 28 U.S.C. 1746; sec 2 Reorg Plan No 2 of 1950; 3 CFR, 1949–1953 Comp, 1002; sec 203 of Pub. L. 105–100, 111 Stat 2196–200; sec 1506 and 1510 of Pub. L. 106–386, 114 Stat 1527–29, 1531–1532; sec 1505 of Pub. L. 106–554, 114 Stat 2763 A–326 to –328

CFR Citation: 8 CFR 1001; 8 CFR 1003; 8 CFR 1292.

Legal Deadline: None.

Abstract: This rule would propose to amend the regulations governing the requirements and procedures for authorizing the representatives of nonprofit religious, charitable, social service, or similar organizations to represent aliens in proceedings before the Executive Office for Immigration Review and the Department of Homeland Security.

Statement of Need: The Recognition and Accreditation (R&A) program addresses the critical and ongoing shortage of qualified legal representation for underserved populations in immigration cases before federal administrative agencies. Through the R&A program, EOIR permits qualified non-attorneys to represent persons before the DHS, the immigration courts, and the Board of Immigration Appeals (Board). For over 30 years, the R&A regulations have remained largely unchanged, despite structural changes in the government, the changing realities of the immigration system, the inability of non-profit organizations to meet the increased need for legal representation under the current regulations, and the surge in fraud and abuse by unscrupulous organizations and individuals preying on indigent and vulnerable populations.

The proposed rule seeks to address the critical and ongoing shortage of qualified legal representation for underserved populations in immigration cases before federal administrative agencies by revising the eligibility requirements and procedures for recognizing organizations and accrediting their representatives to provide immigration legal services to underserved populations. The proposed rule also imposes greater oversight over recognized organizations and their representatives in order to protect against potential abuse of vulnerable immigrant populations by unscrupulous organizations and individuals.

Summary of Legal Basis: The proposed rule is a revision of current regulations that are authorized under 8 U.S.C. 292, regarding authorization to practice before the immigration courts and the Board.

Alternatives: The R&A regulations have been comprehensively examined in light of various issues that have arisen and input has been solicited from the public on how to address in amended regulations various developments over the past 30 years. The proposed rule is the product of both internal and external deliberations, and the proposed rule directly addresses alternatives approaches to the current regulations that the Department has either decided to adopt or reject in the proposed rule. The Department will consider any public comments that propose achievable alternatives that will still accomplish the goals of this proposed rule.

Anticipated Cost and Benefits: The Department's preliminary analysis indicates that the proposed rule would not be economically significant, that is, that the rule will not have an annual effect on the economy of $100 million, or adversely affect in a material way the economy, a sector of the economy, the environment, public health or safety or State, local or tribal governments or communities. The proposed rule, like the current regulations, does not assess any fees on an organization to apply for initial recognition or accreditation, to renew recognition or accreditation, or to extend recognition.

Risks: The purpose of this proposed rule is to promote effective and efficient administration of justice before DHS and EOIR by increasing the availability of competent non-lawyer representation for underserved immigrant populations. The proposed rule seeks to accomplish this goal by amending the requirements for recognition and accreditation to increase the availability of qualified representation for primarily low-income and indigent persons while protecting the public from fraud and abuse by unscrupulous organizations and individuals. Without the proposed changes, the Department will be limited in its ability to expand the availability of non-lawyer representation and to provide increased oversight over recognized organizations and their representatives.

Timetable:

Action	Date	FR Cite
NPRM	10/01/15	80 FR 59514
NPRM Comment Period End.	11/30/15	
Final Action	09/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Public Meeting notice 77 FR 9590 (Feb. 17, 2012).

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Jean King, General Counsel, Department of Justice, Executive Office for Immigration Review, 5197 Leesburg Pike, Suite 2600, Falls Church, VA 22041, *Phone:* 703 305–0470.

RIN: 1125–AA72

BILLING CODE 4410–BP–P

U.S. DEPARTMENT OF LABOR

Fall 2015 Statement of Regulatory Priorities

Introduction

The Department's Fall 2015 Regulatory Agenda is driven by Secretary Perez's commitment to building a stronger America through shared prosperity. This means more opportunity for workers to acquire the skills they need to succeed, to earn a fair day's pay for a fair day's work, for workers and employers to compete on a level playing field, for veterans to thrive in the civilian economy, for people with disabilities to be productive members of the labor force, for workers to retire with dignity, and for people to work in a safe environment with the full protection of our anti-discrimination laws.

In recent years, the Department of Labor has taken bold steps to use our regulatory authorities to address many of the most critical challenges facing workers and their families.

We took action to give home care workers a raise by guaranteeing them minimum wage and overtime for the hard work that they do. We required mine operators to limit miners' exposure to coal dust, which will dramatically reduce black lung disease and save lives.

We updated our regulations to require federal contractors and subcontractors to treat applicants and employees without regard to their sexual orientation or gender identity.

Along with the Department of Education, we have proposed new regulations that will transform our nation's workforce system, giving workers the chance to develop the skills that will prepare them to succeed in 21st century jobs and careers. We proposed extending overtime protections to roughly 5 million workers.

We proposed important new conflict of interest protections for 401(k) and IRA investors that would require retirement advisors to put their clients' best interests before their own profits.

Working with the Federal Acquisition Regulatory Council we proposed regulations that will implement the President's Fair Pay and Safe Workplaces Executive Order, holding federal contractors accountable when they put workers' safety, hard-earned wages and basic workplace rights at risk.

We finalized a rule to help close the persistent pay gap that exists between men and women by providing employees working on federal contracts with real pay transparency and openness enabling them to freely talk about their compensation.

The 2015 Regulatory Plan highlights the Labor Department's most noteworthy and significant rulemaking efforts, with each addressing these top priorities of its regulatory agencies: Employee Benefits Security Administration (EBSA), Employment and Training Administration (ETA), Mine Safety and Health Administration (MSHA), Office of Federal Contract Compliance Programs (OFCCP), Occupational Safety and Health Administration (OSHA), Office of Labor-Management Standards (OLMS), Office of Workers' Compensation Programs (OWCP), Veterans' Employment Service (VETS), and Wage and Hour Division (WHD). These regulatory priorities exemplify the five components of the Secretary's opportunity agenda:

- Training more people, including veterans and people with disabilities, to have the skills they need for the in-demand jobs of the 21st century;
- ensuring that individuals have the peace of mind that comes with access to health care, retirement, and federal workers' compensation benefits when they need them;
- safeguarding a fair day's pay for a fair day's work for all hardworking Americans, regardless of race, gender, religion, sexual orientation, or gender identity;
- giving workers a voice in their workplaces; and
- protecting the safety and health of workers so they do not have to risk their lives for a paycheck.

Under Secretary Perez's leadership, the Department continues its commitment to ensuring that collaboration, consensus-building and extensive stakeholder outreach are integral to all of its regulatory efforts. Successful rulemaking requires that we build a big table and keep an open mind.

Training More Workers and Job-Seekers for Twenty-First Century Jobs

Sustained economic growth requires a fundamental transformation of the workforce development system, building new partnerships, engaging employers, emphasizing proven strategies like apprenticeships, and preparing people for the demands of the 21st century economy as never before. The Department's regulatory priorities reflect the Secretary's vision for a modern job-driven workforce system that helps businesses stay on the competitive cutting edge and helps workers punch their ticket to the middle class.

- ETA issued a Notice of Proposed Rulemaking (NPRM) on April 16, 2015, that implements the important changes made to the public workforce system by the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113–128), signed by the President on July 22, 2014, and replacing the Workforce Investment Act of 1998 (WIA) and amending the Wagner-Peyser Act. This NPRM enables the Department to implement WIOA, empowering the public workforce system and its partners to increase employment, retention, and earnings of participants, meet the skill requirements of employers, and enhance the productivity and competitiveness of the nation.[1] The Department is analyzing comments received and developing a Final Rule. In addition, as required by WIOA, the Departments of Education and Labor issued a joint NPRM on April 16, 2015, to implement the changes that WIOA makes to the public workforce system regarding Combined and Unified State Plans, performance accountability, and the one-stop delivery system and one-stop centers.[2] The Departments are analyzing the comments received and developing a Final Rule.
- The Department's Civil Rights Center (CRC) will issue a proposed rule to implement the nondiscrimination provisions in Section 188 of WIOA. The rule would update the regulations implementing the nondiscrimination obligations in Section 188 of WIA to address current compliance issues in the workforce system, and to incorporate developments and interpretations of existing nondiscrimination law into the workforce development system. To ensure no gap in coverage between the effective date of WIOA and this rulemaking, CRC issued a Final Rule that makes only technical revisions to the WIA Section 188 rule, changing references from ''WIA'' to ''WIOA.''[3] The current Final Rule ultimately would ultimately be superseded by any Final Rule arising from the subsequent NPRM.
- ETA issued a NPRM on November 6, 2015 that proposes updated equal opportunity regulations implementing the National Apprenticeship Act of 1937, which prohibit discrimination in registered apprenticeship on the basis of race, color, religion, national origin, and sex, and which require that program sponsors take affirmative action to provide equal opportunity. Most notably, the proposed rule would update equal opportunity standards to include age (40 and older) and disability among the list of protected bases. It would also strengthen the affirmative action provisions by detailing mandatory actions that sponsors must take, and by requiring affirmative action for individuals with disabilities.[4]

Ensuring Access to Health Care, Retirement, and Workers' Compensation Benefits

The American Dream does not end when a person retires. A financially secure retirement is a fundamental pillar of the middle class. People need access to retirement savings vehicles; and when they work hard and save responsibly, they need access to sound

[1] Workforce Innovation and Opportunity Act (RIN: 1205–AB73).

[2] Workforce Innovation and Opportunity Act Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions (RIN: 1205–AB74).

[3] Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation Act of 2014 (RIN: 1291–A37).

[4] Equal Employment Opportunity in Apprenticeship Amendment of Regulations (RIN: 1205–AB59).

retirement investment advice from someone looking out for their best interest. The Department has a regulatory program designed do exactly that.

• Last spring EBSA proposed a rule to help assure workers' retirement security by clarifying the circumstances under which a person will be considered a ''fiduciary'' when providing investment advice related to retirement plans, individual retirement accounts, and other employee benefit plans, and to participants, beneficiaries, and owners of such plans and accounts. The proposed rule includes a prohibited transaction exemption for any advice that raises any conflict of interest concerns so that the advice has to first be provided pursuant to a contract where the advisor agrees to provide the advice in the best interest of the client. The underlying principle is very simple and rooted in basic common sense: if you want to give financial advice, you have to put your clients' best interests first, and not your own. EBSA continues to review the extensive public comments submitted on the proposed rule.[5]

• EBSA recognizes that around one-third of American workers lack access to a retirement plan at work. Inadequate retirement savings places stress on various state and federal retirement income support programs. Some states have passed laws to set up state-based auto-enrollment IRA arrangements for workers whose employers don't offer a plan. However, many of these states remain concerned about preemption by the Employee Retirement Income Security Act of 1974. At the President's direction on July 13, 2015, EBSA plans to publish a proposed rule to clarify how states can move forward, including with respect to requirements to automatically enroll employees, and offer coverage in ways that are consistent with federal laws governing employee benefit plans.

EBSA will also continue to issue guidance implementing the health reform provisions of the Affordable Care Act, giving more people greater access to quality medical care. EBSA's regulations reduce discrimination in health coverage, promote better access to quality coverage, and protect the ability of individuals and businesses to keep their current health coverage. Many of these regulations are joint rulemakings with the Departments of Health and Human Services and Treasury.

The Department also promulgates regulations to ensure that federal workers' compensation benefits programs are fairly administered:

• OWCP will issue a Final Rule under the Black Lung Benefits Act that will address claimants' and coal mine operators' responsibility to disclose medical information developed in connection with a claim.[6] In addition, the Final Rule may also clarify a coal mine operator's liability for paying benefits while seeking modification of a decision to award benefits and may clarify the evidence submission limitations.

• OWCP will issue an additional NPRM under the Black Lung Benefits Act that would address how medical providers are reimbursed for covered services rendered to coal miners, including the possibility of modernizing and standardizing payment methodologies and fee schedules.[7]

Safeguarding Fair Pay for All Americans

The Department's regulatory agenda prioritizes ensuring that all Americans receive a fair day's pay for a fair day's work, and are not discriminated against with respect to hiring, employment, or benefits on the basis of race, gender, sexual orientation, or gender identity. The Department takes a robust approach to implementing its wage-and-hour and nondiscrimination regulations through education, outreach and strategic enforcement across industries. These regulations are grounded in a commitment to an inclusive and diverse workforce and rewarding hard work with a fair wage to provide workers with a real pathway to middle class jobs.

• WHD plans to publish a Final Rule revising the Fair Labor Standards Act's (FLSA's) overtime exemptions, as directed by a March 2014 Presidential Memorandum. The FLSA generally requires covered employers to pay their employees at least the federal minimum wage for all hours worked, and one-and-one-half times their regular rate of pay for hours worked in excess of 40 in a workweek (''overtime''). However, there are a number of exemptions from the FLSA's minimum wage and overtime requirements, including an exemption for bona fide executive, administrative, or professional employees. In line with the Presidential Memorandum directing the Secretary to modernize and streamline the existing overtime regulations for these ''white collar'' employees to ensure that hardworking middle-class workers are not denied overtime protections that Congress intended, the Department issued an NPRM that would raise the salary threshold. The Department is currently analyzing comments.[8]

• WHD will issue a proposed rule to establish the ability of employees of federal contractors to earn seven days of paid sick leave per year, implementing Executive Order 13706, signed by President Obama on September 7, 2015, enabling these workers to use leave to care for themselves, family members, or loved ones without fear of losing their paychecks or their jobs.

Giving Workers a Voice in Their Workplaces

There is a direct link throughout our nation's history between a vibrant middle class and the power of worker voice. The economy is strong when the middle class is strong, and the middle class is strong when workers have a seat at the table, when they have a chance to organize and negotiate for their fair share of the value they helped create. By contrast, it's not a coincidence that middle-class wage stagnation coincides with a decline in the percentage of workers represented by unions. The Department's regulatory program therefore promotes policies that give workers a voice on the job.

• OFCCP recently issued a Final Rule implementing Executive Order 13665, signed by the President on April 8, 2014, prohibiting discrimination by Federal contractors and subcontractors against certain of their employees for disclosing compensation information. This Executive Order was intended to address policies that limit the ability to advocate for themselves about their pay and that prohibit employee conversations about compensation, which can serve as a significant barrier to Federal enforcement of the laws against compensation discrimination.[9]

• OLMS plans to publish a Final Rule that will better align our regulations with the statutory text of the Labor-Management Reporting and Disclosure Act (LMRDA) to create greater balance between union and employer/consultant reporting requirements in situations where employers engage consultants to persuade employees concerning their rights to organize and bargain collectively. This is one important step to enhance workers' abilities to make

[5] Conflict of Interest Rule: Investment Advice (RIN: 1210–AB32).

[6] Black Lung Benefits Act: Medical Evidence (RIN: 1240–AA10).

[7] Black Lung Benefits Act: Benefit Payments (RIN: 1240–AA11).

[8] Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees (RIN: 1235–AA11).

[9] Prohibitions Against Pay Secrecy Policies and Actions (RIN: 1250–AA06).

informed choices about representation.[10]

Protecting the Safety and Health of Workers

No one should have to sacrifice their life for their livelihood, and a nation built on the dignity of work must provide safe working conditions for its people. Through our rulemaking, we are committed to protecting workers in all kinds of workplaces, including above- and below-ground coal and metal/nonmetal mines, and we want to ensure that benefits programs are available to workers and their families when they are injured on the job. So many workplace injuries, illnesses and fatalities are preventable. They not only put workers in harm's way, they jeopardize their economic security, often forcing families out of the middle class and into poverty. The Department's safety and health regulatory proposals are based on the responsibility of employers to provide workers with workplaces that do not threaten their safety or health and we reject the false choice between worker safety and economic growth. Our efforts will both save lives and improve employers' bottom lines.

- OSHA's top priority is a Final Rule aimed at curbing lung cancer, silicosis, chronic obstructive pulmonary disease and kidney disease in America's workers by lowering worker exposure to crystalline silica, which kills hundreds and sickens thousands more each year. OSHA estimates that the proposed rule would ultimately save nearly 700 lives and prevent 1,600 new cases of silicosis annually. OSHA held public hearings over nearly a month last spring in Washington, DC, during which over 200 industry, labor, and public health stakeholders participated. The post-hearing brief period ended on August 18, 2014.[11] As a part of the Secretary's strategy for securing safe and healthy work environments, MSHA will utilize information provided by OSHA to undertake regulatory action related to silica exposure in mines.[12]
- OSHA is developing a Final Rule that will address employers' electronic submission of data required by agency regulations governing the Recording and Reporting of Occupational Injuries. An updated and modernized reporting system would enable a more efficient and timely collection of data—including by leveraging data already maintained electronically by many large employers—and would improve the accuracy and availability of relevant records and statistics, in addition to leveraging data already maintained electronically by many large employers.[13]
- MSHA issued a proposed rule that would require underground mine operators to equip certain mobile machines with proximity detection systems.[14] This builds on a Final Rule issued in January 2015 that addressed the danger that miners face when working near continuous mining machines in underground coal mines.[15]

Regulatory Review and Burden Reduction

On January 18, 2011, the President issued Executive Order (E.O.) 13563, entitled ''Improving Regulation and Regulatory Review.'' The Department is committed to smart regulations that ensure the health welfare and safety of all working Americans and foster economic growth, job creation, and competitiveness of American business. The Department's Fall 2015 Regulatory Agenda also aims to achieve more efficient and less burdensome regulations through a retrospective review of the Labor Department regulations.

In August 2011, as part of a government-wide response to the E.O., the Department published its ''Plan for Retrospective Analysis of Existing Rules.'' (This plan, and each subsequent update, can be found at *www.dol.gov/regulations/*.) The current regulatory agenda includes 23 retrospective review projects, which are listed below pursuant to section 6 of E.O. 13563. More information about completed rulemakings no longer included in the plan can be found on *www.Reginfo.gov*.

Agency	Regulatory Identifier No.	Title of rulemaking	Whether it is expected to significantly reduce burdens on small businesses
EBSA	1210–AB47	Amendment of Abandoned Plan Program	Yes.
EBSA	1210–AB63	21st Century Initiative to Modernize the Form 5500 Series and Implementing and Related Regulations.	To Be Determined.
ETA	1205–AB59	Equal Employment Opportunity in Apprenticeship and Training, Amendment of Regulations.	To Be Determined.
ETA	1205–AB62	Implementation of Total Unemployment Rate Extended Benefits Trigger and Rounding Rule.	No.
ETA	1205–AB75	Modernizing the Permanent Labor Certification Program (PERM)	To Be Determined.
MSHA	1219–AB72	Criteria and Procedures for Proposed Assessment of Civil Penalties (Part 100)	To Be Determined.
OFCCP	1250–AA05	Sex Discrimination Guidelines	To Be Determined.
OSHA	1218–AC34	Bloodborne Pathogens	To Be Determined.
OSHA	1218–AC67	Standard Improvement Project—Phase IV (SIP IV)	To Be Determined.
OSHA	1218–AC74	Review/Lookback of OSHA Chemical Standards	To Be Determined.
OSHA	1218–AC81	Cranes and Derricks in Construction: Amendments	Yes.
OSHA	1218–AC82	Process Safety Management and Flammable Liquids	To Be Determined.
OSHA	1218–AC87	Updating OSHA Standards Based on National Consensus Standards (Eye and Face Protection).	To Be Determined.
OSHA	1218–AC49	Improve Tracking of Workplace Injuries and Illnesses	No.
OSHA	1218–AC76	Streamlining of Provisions on State Plans for Occupational Safety and Health	To Be Determined.
OSHA	1218–	Revocation of Obsolete PELs	To Be Determined.
OSHA	1218–	Powered Industrial Trucks	To Be Determined.
OSHA	1218–	Power Presses	To Be Determined.
OSHA	1218–	Lock-Out/Tag-Out Update	To Be Determined.

[10] Persuader Agreements: Employer and Labor Relations Consultant Reporting Under the LMRDA (RIN: 1245–AA03).

[11] Occupational Exposure to Crystalline Silica (RIN: 1218–AB70).

[12] Respirable Crystalline Silica (RIN: 1219–AB36).

[13] Improve Tracking of Workplace Injuries and Illnesses (RIN: 1218–AC49).

[14] Proximity Detection Systems for Mobile Machines in Underground Mines (RIN: 1219–AB78).

[15] Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines (RIN: 1219–AB65).

Agency	Regulatory Identifier No.	Title of rulemaking	Whether it is expected to significantly reduce burdens on small businesses
OWCP	1240–AA11	Black Lung Benefits Act: Medical Benefit Payments	To Be Determined.
OWCP	1240–AA09	Longshore and Harbor Workers' Compensation Act: Transmission of Documents and Information.	No.

DOL—WAGE AND HOUR DIVISION (WHD)

Proposed Rule Stage

77. • Establishing Paid Sick Leave for Contractors, Executive Order 13706

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined.

Legal Deadline: Final, Statutory, September 30, 2016.

Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors (80 FR 54697).

Abstract: Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors (80 FR 54697) establishes paid sick leave for Federal contractors and subcontractors. The Executive Order indicates that Executive Departments and agencies shall, to the extent permitted by law, ensure that new contracts, contract-like instruments, and solicitations as described in section 6 of the Order, include a clause, which the contractor and any subcontractors shall incorporate into lower-tier subcontracts, specifying that all employees, in the performance of the contract or any subcontract thereunder, shall earn not less than one hour of paid sick leave for every 30 hours worked. Consistent with the Executive Order, the Department of Labor will issue implementing regulations.

Statement of Need: On September 7, 2015, President Barack Obama signed Executive Order 13706 Establishing Paid Sick Leave for Federal Contractors. The Executive Order states that the Order seeks to increase efficiency and cost savings in the work performed by parties that contract with the Federal Government by ensuring that employees on those contracts can earn up to 7 days or more of paid sick leave annually, including paid leave allowing for family care. The Order states that providing access to paid sick leave will improve the health and performance of employees of Federal contractors and bring benefits packages at Federal contractors in line with model employers, ensuring that they remain competitive employers in the search for dedicated and talented employees. The Order indicates that [t]hese savings and quality improvements will lead to improved economy and efficiency in Government procurement.

Summary of Legal Basis: Section 2 of the Executive Order states that Executive Departments and agencies shall, to the extent permitted by law, ensure that new contracts, contract-like instruments, and solicitations (collectively referred to as contacts), as described in section 6 of the order, include a clause, which the contractor and any subcontractors shall incorporate into lower-tier subcontracts, specifying, as a condition of payment, that all employees in the performance of the contract or any subcontract thereunder, shall earn not less than 1 hour of paid sick leave for every 30 hours worked. The Order goes on to indicate that a contractor may not set a limit on the total accrual of paid sick leave per year, or at any point in time, at less than 56 hours. The Order goes on to describe the purposes for which the employee may use the paid the sick leave. The Executive Order requires the Secretary of Labor to issue regulations implementing the E.O. by September 30, 2016.

Alternatives: To be determined.

Anticipated Cost and Benefits: The Executive Order indicates benefits associated with the paid sick leave E.O. include improved health and performance of employees of Federal contractors, ensuring that contractors remain competitive in line with model employers, and improved economy and efficiency in Government procurement.

Costs will be determined as part of the NPRM.

Risks: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Federal.

Agency Contact: Robert Waterman, Compliance Specialist, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW., Room S–3010, Washington, DC 20210, *Phone:* 202 693–0805, *Email: waterman.robert@dol.gov*.

RIN: 1235–AA13

DOL—WHD

Final Rule Stage

78. Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 29 U.S.C. 213(a)(1) (Fair Labor Standards Act)

CFR Citation: 29 CFR 541.

Legal Deadline: None.

Abstract: The Department proposes to update the regulations governing which executive, administrative, and professional employees (white collar workers) are entitled to the Fair Labor Standards Act's minimum wage and overtime pay protections. Key provisions of the proposed rule include: (1) Setting the standard salary level required for exemption at the 40th percentile of weekly earnings for full-time salaried workers (projected to be $970 per week, or $50,440 annually, in 2016); (2) increasing the total annual compensation requirement needed to exempt highly compensated employees to the annualized value of the 90th percentile of weekly earnings of full-time salaried workers ($122,148 annually); and (3) establishing a mechanism for automatically updating the salary and compensation levels going forward to ensure that they will continue to provide a useful and effective test for exemption. The Department last updated these regulations in 2004, which, among other items, set the standard salary level at not less than $455 per week.

Statement of Need: On March 13, 2014, President Obama signed a Presidential Memorandum directing the Department to update the regulations defining which white collar workers are protected by the FLSA's minimum wage and overtime standards. 79 FR 18737 (Apr. 3, 2014). Consistent with the

President's goal of ensuring workers are paid a fair day's pay for a fair day's work, the memorandum instructed the Department to look for ways to modernize and simplify the regulations while ensuring that the FLSA's intended overtime protections are fully implemented.

Summary of Legal Basis: There are a number of exemptions from the FLSA's minimum wage and overtime requirements. Section 13(a)(1) of the FLSA, codified at 29 U.S.C. 213(a)(1), exempts from both minimum wage and overtime protection ''any employee employed in a bona fide executive, administrative, or professional capacity . . . or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of [the Administrative Procedure Act] . . .).'' The FLSA does not define the terms ''executive,'' ''administrative,'' ''professional,''' or ''outside salesman.'' Pursuant to Congress' grant of rulemaking authority, the Department in 1938 issued the first regulations at 29 CFR part 541, defining the scope of the section 13(a)(1) exemptions. Because Congress explicitly delegated to the Secretary of Labor the power to define and delimit the specific terms of the exemptions through notice and comment rulemaking, the regulations so issued have the binding effect of law. See *Batterton* v. *Francis,* 432 U.S. 416, 425 n.9 (1977).

Alternatives: Alternatives were listed in the Department's NPRM published in the **Federal Register** July 6, 2015 (80 FR 38516).

Anticipated Cost and Benefits: Detailed analysis of the costs and benefits is included in the Department's NPRM published in the **Federal Register** July 6, 2015 (80 FR 38516).

Risks: Risks were discussed in the NPRM published in the **Federal Register** July 6, 2015 (80 FR 38516).

Timetable:

Action	Date	FR Cite
NPRM	07/06/15	80 FR 38516
NPRM Comment Period End.	09/04/15	
Final Rule	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State, Tribal.

Agency Contact: Mary Ziegler, Assistant Administrator, Office of Policy, Wage and Hour (WHD), Department of Labor, 200 Constitution Avenue NW., Room S–3502, FP Building, Washington, DC 20210, *Phone:* 202 693–0406, *Fax:* 202 693–1387.

RIN: 1235–AA11

DOL—EMPLOYMENT AND TRAINING ADMINISTRATION (ETA)

Proposed Rule Stage

79. Workforce Innovation and Opportunity Act

Priority: Other Significant. Major under 5 U.S.C. 801.

Legal Authority: Section 503(f) of the Workforce Innovation and Opportunity Act (Pub. L. 113–128)

CFR Citation: Not Yet Determined.

Legal Deadline: NPRM, Statutory, January 22, 2015, Public Law 113–128.

Final, Statutory, January 18, 2016.

Abstract: On July 22, 2014, the President signed the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113–128). WIOA repeals the Workforce Investment Act of 1998 (WIA) and amends the Wagner-Peyser Act. (29 U.S.C. 2801 *et seq.*) The Department of Labor issued a Notice of Proposed Rulemaking (NPRM) on April 16, 2015 that proposed to implement the changes WIOA makes to the public workforce system in regulations. Through the NPRM, the Department proposed ways to carry out the purposes of WIOA to provide workforce investment activities, through State and local workforce development systems, that increase employment, retention, and earnings of participants, meet the skill requirements of employers, and enhance the productivity and competitiveness of the Nation. The Department is analyzing the comments received and developing a final rule.

Statement of Need: On July 22, 2014, the President signed the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113–128) into law. WIOA repeals the Workforce Investment Act of 1998 (WIA) (29 U.S.C. 2801 *et seq.*) and amends the Wagner-Peyser Act. As a result, the WIA and Wagner-Peyser regulations no longer reflect current law and we must change. Therefore, the Department of Labor issued a Notice of Proposed Rulemaking (NPRM) that proposes to implement the WIOA. The Department is moving forward in analyzing comments received and developing a final rule.

Summary of Legal Basis: The Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113–128), signed by the President on July 22, 2014. Section 503(f) of WIOA requires that the Department issue a Notice of Proposed Rulemaking (NPRM) and then Final Rule that implements the changes WIOA makes to the public workforce system in regulations.

Alternatives: Since Congress statutorily directed the Department of Labor to issue a Notice of Proposed Rulemaking (NPRM) and Final Rule that implements the changes WIOA makes to the public workforce system there is no alternative.

Anticipated Cost and Benefits: Undetermined.

Risks: Undetermined.

Timetable:

Action	Date	FR Cite
NPRM	04/16/15	80 FR 20690
NPRM Comment Period End.	06/15/15	
Analyze Comments.	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State, Tribal.

Agency Contact: Portia Wu, Assistant Secretary for Employment and Training, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., FP Building, Washington, DC 20210, *Phone:* 202 639–2700.

RIN: 1205–AB73

DOL—EMPLOYEE BENEFITS SECURITY ADMINISTRATION (EBSA)

Proposed Rule Stage

80. • Savings Arrangements Established by States for Non-Governmental Employees

Priority: Other Significant.

Legal Authority: 29 U.S.C. 1135 (ERISA sec 505); 29 U.S.C. 1002 (ERISA sec 3(2))

CFR Citation: 29 CFR 2510.3–2.

Legal Deadline: None.

Abstract: About one-third of American workers lack access to a retirement plan at work. For older Americans, inadequate retirement savings can mean sacrificing or skimping on food, housing, health care, transportation, and other necessities. President Obama has long supported federal legislation to require automatic enrollment of new workers in payroll deduction IRAs if they lack access to a 401(k)-type plan through their employer. In the absence of Congressional action, some states have

passed laws to set up state-based savings plans and require employers not currently offering workplace plans to automatically enroll employees into IRAs. Others are looking at ways to encourage employers to provide coverage under state-administered 401(k)-type plans or other retirement alternatives including IRAs and the Treasury's new starter savings program, *my*RA. However, many of these states remain concerned about preemption by ERISA. On July 13, 2015, the President directed the Department to publish a proposed rule clarifying how states may offer retirement savings arrangements to private-sector employees in ways that are consistent with federal laws governing employee benefit plans. The proposal will set forth circumstances in which a state could establish a payroll deduction savings program, with an automatic enrollment feature, without giving rise to an employee pension benefit plan under ERISA.

Statement of Need: The proposal responds to the President's directive to the Department of Labor, issued at the 2015 White House Conference on Aging, to publish a proposed regulation by the end of 2015 to support the efforts of a growing number of states trying to promote broader access to workplace retirement saving opportunities for America's workers. The regulation would clarify that state savings initiatives would not cause the establishment of ERISA covered employee benefit plans, so long as the conditions of the regulation are met.

Summary of Legal Basis: Section 505 of ERISA, 29 U.S.C. 1135, provides the Secretary of Labor with broad authority to prescribe such regulations as he finds necessary and appropriate to carry out the provisions of Title I of the Act. Section 3(2) of ERISA, 29 U.S.C. 1002, defines the term ''employee pension benefit plan''. The Department's regulations at 29 CFR 2510.3–2 clarify the term ''employee pension benefit plan'' by identifying certain specific plans, funds and programs that do not constitute ''employee pension benefit plans''.

Alternatives: Since the President directed the Department to publish a proposed rule clarifying how states may offer retirement savings arrangement to private-sector employees, there is no alternative.

Anticipated Cost and Benefits: Undetermined.

Risks: Undetermined.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Agency Contact: Jeffrey J. Turner, Deputy Director, Office of Regulations and Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N–5655, Washington, DC 20210, *Phone:* 202 693–8500, *Fax:* 202 219–7291.

RIN: 1210–AB71

DOL—MINE SAFETY AND HEALTH ADMINISTRATION (MSHA)

Proposed Rule Stage

81. Respirable Crystalline Silica

Priority: Other Significant.

Legal Authority: 30 U.S.C. 811

CFR Citation: 30 CFR 58.

Legal Deadline: None.

Abstract: Current standards limit exposures to quartz (crystalline silica) in respirable dust. The metal and nonmetal mining industry standard is based on the 1973 American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values formula: 10 mg/m3 divided by the percentage of quartz plus 2. Overexposure to crystalline silica can result in some miners developing silicosis, an irreversible but preventable lung disease, which ultimately may be fatal. The formula is designed to limit exposures to 0.1 mg/m3 (100 ug/m3) of silica. The National Institute for Occupational Safety and Health (NIOSH) recommends a 50 ug/m3 exposure limit for respirable crystalline silica. MSHA will publish a proposed rule to address miners' exposure to respirable crystalline silica.

Statement of Need: MSHA standards are outdated; current regulations may not protect workers from developing silicosis. Evidence indicates that miners continue to develop silicosis. MSHA's proposed regulatory action exemplifies the Agency's commitment to protecting the most vulnerable populations while assuring broad-based compliance. MSHA will regulate based on sound science to eliminate or reduce the hazards with the broadest and most serious consequences. MSHA intends to use OSHA's work on the health effects and risk assessment, adapting it as necessary for the mining industry.

Summary of Legal Basis: Promulgation of this standard is authorized by section 101 of the Federal Mine Safety and Health Act of 1977.

Alternatives: This rulemaking would improve health protection from that afforded by the existing standards. MSHA will consider alternative methods of addressing miners' exposures based on the capabilities of the sampling and analytical methods.

Anticipated Cost and Benefits: MSHA will prepare estimates of the anticipated costs and benefits associated with the proposed rule.

Risks: For over 70 years, toxicology information and epidemiological studies have shown that exposure to respirable crystalline silica presents potential health risks to miners. These potential adverse health effects include simple silicosis and progressive massive fibrosis (lung scarring). Evidence indicates that exposure to silica may cause cancer. MSHA believes that the health evidence forms a reasonable basis for reducing miners' exposures to respirable crystalline silica.

Timetable:

Action	Date	FR Cite
NPRM	04/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: Local, State.

URL for More Information: *www.msha.gov/regsinfo.htm.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 201 12th Street South, Room 4E401, Arlington, VA 22202–5452, *Phone:* 202 693–9440, *Fax:* 202 693–9441, *Email: mcconnell.sheila.a@dol.gov.*

RIN: 1219–AB36

DOL—MSHA

82. Proximity Detection Systems for Mobile Machines in Underground Mines

Priority: Other Significant.

Legal Authority: 30 U.S.C. 811

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: Mine Safety and Health Administration (MSHA) published a proposed rule that address the hazards miners face when working near mobile equipment in underground mines. MSHA has concluded, from investigations of accidents involving mobile equipment and other reports, that action is needed to protect miner safety. Mobile equipment can pin,

crush, or strike a miner working near the equipment. Proximity detection technology can prevent these types of accidents. The proposed rule would strengthen the protection for underground miners by reducing the potential of pinning, crushing, or striking hazards associated with working close to mobile equipment.

Statement of Need: Mining is one of the most hazardous industries in this country. Miners continue to be injured or killed resulting from pinning, crushing, or striking accidents involving mobile equipment. Equipment is available to help prevent accidents that cause debilitating injuries and accidental death.

Summary of Legal Basis: Promulgation of this standard is authorized by section 101(a) of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006.

Alternatives: No reasonable alternatives to this regulation would be as comprehensive or as effective in eliminating hazards and preventing injuries.

Anticipated Cost and Benefits: MSHA will develop a preliminary regulatory economic analysis to accompany the proposed rule.

Risks: The lack of proximity detection systems on mobile equipment in underground mines contributes to a higher incidence of debilitating injuries and accidental deaths.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	02/01/10	75 FR 5009
RFI Comment Period End.	04/02/10	
NPRM	09/02/15	80 FR 53070
Scheduling of Public Hearing.	09/28/15	80 FR 58229
Public Hearing—Denver, Colorado 10/06/2015.	10/06/15	
Public Hearing—Birmingham, Alabama 10/08/2015.	10/08/15	
Public Hearing—Beaver, West Virginia 10/19/2015.	10/19/15	
Public Hearing—Indianapolis, Indiana 10/29/2015.	10/29/15	
NPRM Comment Period End.	12/01/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL for More Information: *www.msha.gov/regsinfo.htm.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 201 12th Street South, Room 4E401, Arlington, VA 22202–5452, *Phone:* 202 693–9440, *Fax:* 202 693–9441, *Email: mcconnell.sheila.a@dol.gov.*

Related RIN: Related to 1219–AB65

RIN: 1219–AB78

DOL—MSHA

Final Rule Stage

83. Criteria and Procedures for Proposed Assessment of Civil Penalties

Priority: Other Significant.

Legal Authority: 30 U.S.C. 815; 30 U.S.C. 820; 30 U.S.C. 957

CFR Citation: 30 CFR 100.

Legal Deadline: None.

Abstract: The Mine Safety and Health Administration (MSHA) revises the process for proposing civil penalties. The assessment of civil penalties is a key component in MSHA's strategy to enforce safety and health standards. Congress intended that the imposition of civil penalties would induce mine operators to be proactive in their approach to mine safety and health, and take necessary action to prevent safety and health hazards before they occur. MSHA believes that the procedures for assessing civil penalties can be revised to improve the efficiency of the Agency's efforts and to facilitate the resolution of enforcement issues.

Statement of Need: Section 110(a) of the Federal Mine Safety and Health Act of 1977 (Mine Act) requires MSHA to assess a civil penalty for a violation of a mandatory health or safety standard or violation of any provision of the Mine Act. The mine operator has 30 days from receipt of the proposed assessment to contest it before the Federal Mine Safety and Health Review Commission (Commission), an independent adjudicatory agency established under the Mine Act. A proposed assessment that is not contested within 30 days becomes a final order of the Commission. A proposed assessment that is contested within 30 days proceeds to the Commission for adjudication. The proposed rule would promote consistency, objectivity, and efficiency in the proposed assessment of civil penalties. When issuing citations or orders, inspectors are required to evaluate safety and health conditions, and make decisions about the statutory criteria related to assessing penalties. The proposed changes in the measures of the evaluation criteria would result in fewer areas of disagreement and earlier resolution of enforcement issues. The proposal would require conforming changes to the Mine Citation/Order form (MSHA Form 7000–3).

Summary of Legal Basis: Section 104 of the Mine Act requires MSHA to issue citations or orders to mine operators for any violations of a mandatory health or safety standard, rule, order, or regulation promulgated under the Mine Act. Sections 105 and 110 of the Mine Act provide for assessment of these penalties.

Alternatives: The proposal would include several alternatives in the preamble and requests comments on them.

Anticipated Cost and Benefits: MSHA's proposed rule includes an estimate of the anticipated costs and benefits.

Risks: MSHA's existing procedures for assessing civil penalties can be revised to improve the efficiency of the Agency's efforts and to facilitate the resolution of enforcement issues. In the overwhelming majority of contested cases before the Commission, the issue is not whether a violation occurred. Rather, the parties disagree on the gravity of the violation, the degree of mine operator negligence, and other criterion. The proposed changes should result in fewer areas of disagreement and earlier resolution of enforcement issues, which should result in fewer contests of violations or proposed assessments.

Timetable:

Action	Date	FR Cite
NPRM	07/31/14	79 FR 44494
NPRM Comment Period End.	09/29/14	
NPRM Comment Period Extended.	09/16/14	79 FR 55408
NPRM Comment Period Extended End.	12/03/14	
NPRM Notice of Public Hearings, Close of Comment Period.	11/07/14	79 FR 66345
NPRM Notice of Public Hearings, Close of Comment Period End.	01/09/15	

Action	Date	FR Cite
NPRM Notice of Public Hearing; Extension of Comment Period; Close of Record.	12/31/14	79 FR 78749
Extension of Comment Period End.	03/12/15	
NPRM Comment Period Extended; Close of Record.	02/10/15	80 FR 7393
NPRM Comment Period Extended End.	03/31/15	
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL for More Information: www.msha.gov/regsinfo.htm.

URL for Public Comments: www.regulations.gov.

Agency Contact: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 201 12th Street South, Room 4E401, Arlington, VA 22202–5452, *Phone:* 202 693–9440, *Fax:* 202 693–9441, *Email: mcconnell.sheila.a@dol.gov.*

RIN: 1219–AB72

DOL—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Final Rule Stage

84. Occupational Exposure to Crystalline Silica

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918; 29 CFR 1926.

Legal Deadline: None.

Abstract: Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula proposed by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1968 (PEL = 10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and shipyards (derived from ACGIH's 1970 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50 µg/m3 and 25 µg/m3 exposure limits, respectively, for respirable crystalline silica.

Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. ASTM International has published recommended standards for addressing the hazards of crystalline silica. The Building Construction Trades Department of the AFL–CIO has also developed a recommended comprehensive program standard. These standards include provisions for methods of compliance, exposure monitoring, training, and medical surveillance.

The NPRM was published on September 12, 2013 (78 FR 56274). OSHA received over 1,700 comments from the public on the proposed rule, and over 200 stakeholders provided testimony during public hearings on the proposal. The agency is now reviewing and considering the evidence in the rulemaking record.

Statement of Need: Workers are exposed to crystalline silica dust in general industry, construction, and maritime industries. Industries that could be particularly affected by a standard for crystalline silica include: Foundries, industries that have abrasive blasting operations, paint manufacture, glass and concrete product manufacture, brick making, china and pottery manufacture, manufacture of plumbing fixtures, and many construction activities including highway repair, masonry, concrete work, rock drilling, and tuckpointing. The seriousness of the health hazards associated with silica exposure is demonstrated by the fatalities and disabling illnesses that continue to occur. From 2009 to 2013 silicosis was identified on over 500 death certificates as an underlying or contributing cause of death. It is likely that many more cases have occurred where silicosis went undetected. In addition, the International Agency for Research on Cancer has designated crystalline silica as carcinogenic to humans, and the National Toxicology Program has concluded that respirable crystalline silica is a known human carcinogen. Exposure to crystalline silica has also been associated with an increased risk of developing tuberculosis and other nonmalignant respiratory diseases, as well as renal and autoimmune diseases. Exposure studies and OSHA enforcement data indicate that some workers continue to be exposed to levels of crystalline silica far in excess of current exposure limits. Congress has included compensation of silicosis victims on Federal nuclear testing sites in the Energy Employees' Occupational Illness Compensation Program Act of 2000. There is a particular need for the Agency to modernize its exposure limits for construction and shipyard workers.

Summary of Legal Basis: The legal basis for the proposed rule was a preliminary determination that workers are exposed to a significant risk of silicosis and other serious disease, and that rulemaking is needed to substantially reduce the risk. In addition, the proposed rule recognized that the PELs for construction and maritime are outdated, and need to be revised to reflect current sampling and analytical technologies.

Alternatives: Over the past several years, the Agency has attempted to address this problem through a variety of non-regulatory approaches, including initiation of a Special Emphasis Program on silica in October 1997, sponsorship with NIOSH and MSHA of the National Conference to Eliminate Silicosis, and dissemination of guidance information on its Web site.

Anticipated Cost and Benefits: OSHA preliminarily estimated the cost of the proposed rule to be $664 million per year. OSHA preliminarily estimated that the proposed rule would prevent nearly 700 deaths per year and prevent over 1,600 cases of silicosis annually once the full effect of the rule are realized, and would result in monetized benefits of $2.8 to $4.7 billion annually.

Risks: A detailed risk analysis is under way.

Timetable:

Action	Date	FR Cite
Completed SBREFA Report.	12/19/03	
Initiated Peer Review of Health Effects and Risk Assessment.	05/22/09	
Completed Peer Review.	01/24/10	
NPRM	09/12/13	78 FR 56274

Action	Date	FR Cite
NPRM Comment Period Extended; Notice of Intention to Appear at Pub Hearing; Scheduling Pub Hearing.	10/31/13	78 FR 65242
NPRM Comment Period Extended.	01/29/14	79 FR 4641
NPRM Comment Period Extended End.	02/11/14	
Informal Public Hearing.	03/18/14	
Post Hearing Briefs Ends.	08/18/14	
Final Rule	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, FP Building, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov.*

RIN: 1218–AB70

DOL—OSHA

85. Improve Tracking of Workplace Injuries and Illnesses

Priority: Other Significant.

Legal Authority: 29 U.S.C. 657

CFR Citation: 29 CFR 1904.

Legal Deadline: None.

Abstract: Occupational Safety and Health Administration (OSHA) is making changes to its reporting system for occupational injuries and illnesses. An updated and modernized reporting system would enable a more efficient and timely collection of data, and would improve the accuracy and availability of the relevant records and statistics. This rulemaking involves modification to 29 CFR part 1904.41 to expand OSHA's legal authority to collect and make available injury and illness information required under part 1904, and a modification to 29 CFR part 1904.35 to clarify an employee's right to report injury and illnesses to their employer without fear of retaliation.

Statement of Need: The collection of establishment specific injury and illness data in electronic format on a timely basis is needed to help OSHA, employers, employees, researchers, and the public more effectively prevent workplace injuries and illnesses, as well as support President Obama's Open Government Initiative to increase the ability of the public to easily find, download, and use the resulting dataset generated and held by the Federal Government.

Summary of Legal Basis: The Occupational Safety and Health Act of 1970 authorize the Secretary of Labor to develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics (29 U.S.C. 673).

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action.

Anticipated Cost and Benefits: OSHA estimates that this final rule will have economic costs of $15 million per year. The Agency believes that the annual benefits, while unquantified, significantly exceed the annual costs. These benefits include increased prevention of workplace injuries and illnesses as a result of expanded access to timely, establishment-specific injury/illness information by OSHA, employers, employees, employee representatives, potential employees, customers, potential customers, and researchers.

Risks: Analysis of risks is still under development.

Timetable:

Action	Date	FR Cite
Stakeholder Meetings.	05/25/10	75 FR 24505
NPRM	11/08/13	78 FR 67254
NPRM Comment Period End.	02/06/14	
Notice of Public Meeting on 01/09/2013.	11/15/13	78 FR 68782
NPRM Comment Period Extended.	01/07/14	79 FR 778
NPRM Comment Period Extended End.	03/08/14	
NPRM Comment Period Reopened.	08/14/14	79 FR 47605
NPRM Comment Period Reopened End.	10/14/14	
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: No.

Government Levels Affected: None.

Agency Contact: Amanda Edens, Director, Directorate of Technical Support and Emergency Management, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3653, Washington, DC 20210, *Phone:* 202 693–2300, *Fax:* 202 693–1644, *Email: edens.mandy@dol.gov.*

RIN: 1218–AC49

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DEPARTMENT OF TRANSPORTATION (DOT)

Introduction: Department Overview and Summary of Regulatory Priorities

The Department of Transportation (DOT) consists of nine operating administrations and the Office of the Secretary, each of which has statutory responsibility for a wide range of regulations. DOT regulates safety in the aviation, motor carrier, railroad, motor vehicle, commercial space, public transportation, and pipeline transportation areas. DOT also regulates aviation consumer and economic issues and provides financial assistance for programs involving highways, airports, public transportation, the maritime industry, railroads, and motor vehicle safety. In addition, the Department writes regulations to carry out a variety of statutes ranging from the Americans With Disabilities Act to the Uniform Time Act. Finally, DOT develops and implements a wide range of regulations that govern internal DOT programs such as acquisitions and grants, access for the disabled, environmental protection, energy conservation, information technology, occupational safety and health, property asset management, seismic safety, and the use of aircraft and vehicles.

The Department's Regulatory Priorities

The Department's regulatory priorities respond to the challenges and opportunities we face. Our mission generally is as follows:

The national objectives of general welfare, economic growth and stability, and the security of the United States require the development of transportation policies and programs that contribute to providing fast, safe, efficient, and convenient transportation at the lowest cost consistent with those and other national objectives, including the efficient use and conservation of the resources of the United States.

To help us achieve our mission, we have five goals in the Department's Strategic Plan for Fiscal Years 2014–2018:

- *Safety:* Improve public health and safety by ''reducing transportation-related fatalities, injuries, and crashes.''

• *State of Good Repair:* Ensure the U.S. ''proactively maintains critical transportation infrastructure in a state of good repair.''

• *Economic Competitiveness:* Promote ''transportation policies and investments that bring lasting and equitable economic benefits to the Nation and its citizens.''

• *Quality of Life:* Foster quality of life in communities by ''integrating transportation policies, plans, with coordinated housing and economic development policies to increase transportation choices and access to transportation services for all.''

• *Environmental Sustainability:* Advance ''environmental sustainable policies and investments that reduce carbon and other harmful emissions from transportation sources.''

In identifying our regulatory priorities for the next year, the Department considered its mission and goals and focused on a number of factors, including the following:

- The relative risk being addressed
- Requirements imposed by law
- Actions on the National Transportation Safety Board ''Most Wanted List''
- The costs and benefits of the regulations
- The advantages of nonregulatory alternatives
- Opportunities for deregulatory action
- The enforceability of any rule, including the effect on agency resources

This regulatory plan identifies the Department's regulatory priorities—the 19 pending rulemakings chosen, from among the dozens of significant rulemakings listed in the Department's broader regulatory agenda, that the Department believes will merit special attention in the upcoming year. The rules included in the regulatory plan embody the Department's focus on our strategic goals.

The regulatory plan reflects the Department's primary focus on safety—a focus that extends across several modes of transportation. For example:

• The Federal Aviation Administration (FAA) will continue its efforts to implement safety management systems.

• The Federal Motor Carrier Safety Administration (FMCSA) continues its work to strengthen the requirements for Electronic Logging Devices and revise motor carrier safety fitness determination procedures.

• The National Highway Traffic Safety Administration (NHTSA) will continue its rulemaking efforts to reduce death and injury resulting from motor vehicle crashes.

Each of the rulemakings in the regulatory plan is described below in detail. In order to place them in context, we first review the Department's regulatory philosophy and our initiatives to educate and inform the public about transportation safety issues. We then describe the role of the Department's retrospective reviews and its regulatory process and other important regulatory initiatives of OST and of each of the Department's components. Since each transportation ''mode'' within the Department has its own area of focus, we summarize the regulatory priorities of each mode and of OST, which supervises and coordinates modal initiatives and has its own regulatory responsibilities, such as consumer protection in the aviation industry.

The Department's Regulatory Philosophy and Initiatives

The Department has adopted a regulatory philosophy that applies to all its rulemaking activities. This philosophy is articulated as follows: DOT regulations must be clear, simple, timely, fair, reasonable, and necessary. They will be issued only after an appropriate opportunity for public comment, which must provide an equal chance for all affected interests to participate, and after appropriate consultation with other governmental entities. The Department will fully consider the comments received. It will assess the risks addressed by the rules and their costs and benefits, including the cumulative effects. The Department will consider appropriate alternatives, including nonregulatory approaches. It will also make every effort to ensure that regulation does not impose unreasonable mandates.

The Department stresses the importance of conducting high-quality rulemakings in a timely manner and reducing the number of old rulemakings. To implement this, the Department has required the following actions: (1) Regular meetings of senior DOT officials to ensure effective policy leadership and timely decisions, (2) effective tracking and coordination of rulemakings, (3) regular reporting, (4) early briefings of interested officials, (5) regular training of staff, and (6) adequate allocations of resources. The Department has achieved significant success because of this effort. It allows the Department to use its resources more effectively and efficiently.

The Department's regulatory policies and procedures provide a comprehensive internal management and review process for new and existing regulations and ensure that the Secretary and other appropriate appointed officials review and concur in all significant DOT rules. DOT continually seeks to improve its regulatory process. A few examples include: The Department's development of regulatory process and related training courses for its employees; creation of an electronic rulemaking tracking and coordination system; the use of direct final rulemaking; the use of regulatory negotiation; a continually expanding and improved Internet page that provides important regulatory information, including ''effects'' reports and status reports (*http://www.dot.gov/regulations*); and the continued exploration and use of Internet blogs and other Web 2.0 technology to increase and enhance public participation in its rulemaking process.

In addition, the Department continues to engage in a wide variety of activities to help cement the partnerships between its agencies and its customers that will produce good results for transportation programs and safety. The Department's agencies also have established a number of continuing partnership mechanisms in the form of rulemaking advisory committees.

The Department's Retrospective Review of Existing Regulations

In accordance with Executive Order (E.O.) 13563 (Improving Regulation and Regulatory Review), the Department actively engaged in a special retrospective review of our existing rules to determine whether they need to be revised or revoked. This review was in addition to those reviews in accordance with section 610 of the Regulatory Flexibility Act, E.O. 12866, and the Department's Regulatory Policies and Procedures. As part of this effort, we also reviewed our processes for determining what rules to review and ensuring that the rules are effectively reviewed. As a result of the review, we identified many rules for expedited review and changes to our retrospective review process. Pursuant to section 6 of E.O. 13563, the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. Some of these entries on this list may be completed actions, which do not appear in The Regulatory Plan. If a retrospective review action has been completed it will no longer appear on the list below. However, more information can be found about these completed rulemakings on the Unified Agenda publications at Reginfo.gov in the Completed Actions section for that

agency. These rulemakings can also be found on Regulations.gov. The final agency retrospective review plan can be found at *http://www.dot.gov/regulations.*

RIN	Retrospective review of existing regulations Rulemaking title	Significantly reduces costs on small businesses
1. 2105–AE29	Transportation Services for Individuals with Disabilities: Over-the-Road Buses (RRR)	TBD.
2. 2120–AJ94	Enhanced Flight Vision System (EFVS) (RRR).	
3. 2120–AK24	Fuel Tank and System Lightning Protection (RRR).	
4. 2120–AK28	Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; Other Provisions (RRR).	
5. 2120–AK32	Acceptance Criteria for Portable Oxygen Concentrators Used Onboard Aircraft (RRR).	
6. 2120–AK34	Flammability Requirements for Transport Category Airplanes (RRR).	
7. 2120–AK44	Reciprocal Waivers of Claims for Non-Party Customer Beneficiaries, Signature of Waivers of Claims by Commercial Space Transportation Customers. And Waiver of Claims and Assumption of Responsibility for Permitted Activities with No Customer (RRR).	
8. 2125–AF62	Acquisition of Right-of-Way (RRR) (MAP–21)	N.
9. 2125–AF65	Buy America (RRR)	TBD.
10. 2126–AB46	Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (RRR).	
11. 2126–AB47	Electronic Signatures and Documents (E-Signatures) (RRR).	
12. 2126–AB49	Elimination of Redundant Maintenance Rule (RRR).	
13. 2127–AK98	Pedestrian Safety Global Technical Regulation (RRR).	
14. 2127–AL03	Part 571 FMVSS No. 205, Glazing Materials, GTR (RRR).	
15. 2127–AL05	Amend FMVSS No. 210 to Incorporate the Use of a New Force Application Device (RRR)	Y.
16. 2127–AL17	49 CFR Part 595, Subpart C, Make Inoperative Exemptions, Vehicle Modifications to Accommodate People With Disabilities, from FMVSS No. 226 (RRR).	
17. 2127–AL20	Upgrade of LATCH Usability Requirements (MAP–21) (RRR).	
18. 2127–AL24	Rapid Tire Deflation Test in FMVSS No. 110 (RRR).	
19. 2127–AL41	FMVSS No. 571.108 License Plate Mounting Angle (RRR).	
20. 2127–AL58	Upgrade of Rear Impact Guard Requirements for Trailers and Semitrailers (RRR).	
21. 2130–AC40	Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions (RRR).	
22. 2130–AC41	Hours of Service Recordkeeping; Electronic Recordkeeping Amendments (RRR).	
23. 2130–AC43	Safety Glazing Standards; Miscellaneous Revisions (RRR).	
24. 2137–AE72	Pipeline Safety: Gas Transmission (RRR)	Y.
25. 2137–AE80	Hazardous Materials: Miscellaneous Pressure Vessel Requirements (DOT Spec Cylinders) (RRR).	Y.
26. 2137–AE81	Hazardous Materials: Reverse Logistics (RRR)	Y.
27. 2137–AE86	Hazardous Materials: Requirements for the Safe Transportation of Bulk Explosives (RRR).	
28. 2137–AE94	Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR).	Y.
29. 2137–AF00	Hazardous Materials: Adoption of Special Permits (MAP–21) (RRR)	Y.
30. 2137–AF04	Hazardous Materials: Miscellaneous Amendments (RRR).	
31. 2137–AF10	Hazardous Materials: Revision of the Requirements for Carriage by Aircraft (RRR).	

International Regulatory Cooperation

Executive Order 13609 (Promoting International Regulatory Cooperation) stresses that ''[i]n an increasingly global economy, international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means of promoting the goals of'' Executive Order 13563 to ''protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation.'' DOT has long recognized the value of international regulatory cooperation and has engaged in a variety of activities with both foreign governments and international bodies. These activities have ranged from cooperation in the development of particular standards to discussions of necessary steps for rulemakings in general, such as risk assessments and cost-benefit analyses of possible standards. Since the issuance of Executive Order 13609, we have increased our efforts in this area. For example, many of DOT's Operating Administrations are active in groundbreaking government-wide Regulatory Cooperation Councils (RCC) with Canada, Mexico, and the European Union. These RCC working groups are setting a precedent in developing and testing approaches to international coordination of rulemaking to reduce barriers to international trade. We also have been exploring innovative approaches to ease the development process.

Examples of the many cooperative efforts we are engaged in include the following:

The FAA maintains ongoing efforts with foreign civil aviation authorities, including in particular the European Aviation Safety Agency and Transport Canada, to harmonize standards and practices where doing so will improve the safety of aviation and aviation-related activities. The FAA also plays an active role in the standard-setting work of the International Civil Aviation Organization (ICAO), particularly on the Air Navigation Commission and the Legal Committee. In doing so, the FAA works with other Nations to shape the standards and recommended practices adopted by ICAO. The FAA's rulemaking actions related to safety management systems are examples of the FAA's harmonization efforts.

NHTSA is actively engaged in international regulatory cooperative efforts on both a multilateral and a bilateral basis, exchanging information on best practices and otherwise seeking to leverage its resources for addressing vehicle issues in the U.S. As noted in Executive Order 13609: ''(i)n meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective

as those that are or would be adopted in the absence of such cooperation'' and ''can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.''

As the representative, for vehicle safety matters, of the United States, one of 33 contracting parties to the 1998 Agreement on the Harmonization of Vehicle Regulations, NHTSA is an active participant in the World Forum for Vehicle Regulations (WP.29) at the UN. Under that umbrella, NHTSA is currently working on the development of harmonized regulations for the safety of electric vehicles; hydrogen and fuel cell vehicles; advanced head restraints; pole side impact test procedures; pedestrian protection; the safety risks associated with quieter vehicles, such as electric and hybrid electric vehicles; and advancements in tires.

In recognition of the large cross-border market in motor vehicles and motor vehicle equipment, NHTSA is working bilaterally with Transport Canada under the Motor Vehicles Working Group of the U.S.–Canada Regulatory Cooperation Council (RCC) to facilitate implementation of the initial RCC Joint Action Plan. Under this Plan, NHTSA and Transport Canada are working on the development of international standards on quieter vehicles, electric vehicle safety, and hydrogen and fuel cell vehicles.

Building on the initial Joint Action Plan, the U.S. and Canada issued a Joint Forward Plan on August 29, 2014. The Forward Plan provided that regulators would develop Regulatory Partnership Statements (RPSs) outlining the framework for how cooperative activities will be managed between agencies. In that same period, regulators will also develop and complete detailed work plans to begin to address the commitments in the Forward Plan. To facilitate future cooperation, the RCC will work over the next year on cross-cutting issues in areas such as: ''sharing information with foreign governments, joint funding of new initiatives and our respective rulemaking processes.''

To broaden and deepen its cooperative efforts with the European Union, NHTSA is participating in ongoing negotiations regarding the Transatlantic Trade and Investment Partnership which is ''aimed at providing greater compatibility and transparency in trade and investment regulation, while maintaining high levels of health, safety, and environmental protection.'' NHTSA is seeking to build on existing levels of safety and lay the groundwork for future cooperation in addressing emerging safety issues and technologies.

PHMSA's hazardous material group works with ICAO, the UN Subcommittee of Experts on Dangerous Goods, and the International Maritime Organization. Through participation in these international bodies, PHMSA is able to advocate on behalf of U.S. safety and commercial interests to guide the development of international standards with which U.S. businesses have to comply when shipping in international commerce. PHMSA additionally participates in the RCC with Canada and has a Memorandum of Cooperation in place to ensure that cross-border shipments are not hampered by conflicting regulations. The pipeline group at PHMSA incorporates many standards by reference into the Pipeline Safety Regulations, and the development of these standards benefit from the participation of experts from around the world.

In the areas of airline consumer protection and civil rights regulation, OST is particularly conscientious in seeking international regulatory cooperation. For example, the Department participates in the standard-setting activities of ICAO and meets and works with other governments and international airline associations on the implementation of U.S. and foreign aviation rules.

For a number of years the Department has also provided information on which of its rulemaking actions have international effects. This information, updated monthly, is available at the Department's regulatory information Web site, *http://www.dot.gov/regulations*, under the heading ''Reports on Rulemakings and Enforcement.'' (The reports can be found under headings for ''EU,'' ''NAFTA'' (Canada and Mexico) and ''Foreign.'') A list of our significant rulemakings that are expected to have international effects follows; the identifying RIN provided below can be used to find summary and other information about the rulemakings in the Department's Regulatory Agenda published along with this Plan:

RIN	DOT significant rulemakings with international impacts Rulemaking title
2105–AD91	Accessibility of Airports.
2105–AE06	E-Cigarette.
2120–AJ38	Airport Safety Management System.
2120–AJ60	Small Unmanned Aircraft.
2120–AJ69	Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan.
2120–AJ89	Slot Management and Transparency.
2120–AK09	Drug & Alcohol Testing for Repair Stations.
2120–AK65	Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes.
2126–AA34	Mexico-Domiciled Motor Carriers.
2126–AA35	Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.
2124–AA70	Limitations on the Issuance of Commercial Driver Licenses with a Hazardous Materials Endorsement.
2126–AB56	MAP–21 Enhancements and Other Updates to the Unified Registration System.
2127–AK76	Tire Fuel Efficiency Part 2.
2127–AK93	Quieter Vehicles Sound Alert.
2133–AB74	Cargo Preference.

As we identify rulemakings arising out of our ongoing regulatory cooperation activities that we reasonably anticipate will lead to significant regulations, we will add them to our Web site report and subsequent Agendas and Plans.

The Department's Regulatory Process

The Department will also continue its efforts to use advances in technology to improve its rulemaking management process. For example, the Department

created an effective tracking system for significant rulemakings to ensure that either rules are completed in a timely manner or delays are identified and fixed. Through this tracking system, a monthly status report is generated. To make its efforts more transparent, the Department has made this report Internet accessible at *http://www.dot.gov/regulations.* By doing this, the Department is providing valuable information concerning our rulemaking activity and is providing information necessary for the public to evaluate the Department's progress in meeting its commitment to completing quality rulemakings in a timely manner.

The Department continues to place great emphasis on the need to complete high-quality rulemakings by involving senior departmental officials in regular meetings to resolve issues expeditiously.

Office of the Secretary of Transportation (OST)

The Office of the Secretary (OST) oversees the regulatory process for the Department. OST implements the Department's regulatory policies and procedures and is responsible for ensuring the involvement of top management in regulatory decisionmaking. Through the General Counsel's office, OST is also responsible for ensuring that the Department complies with the Administrative Procedure Act, Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563, DOT's Regulatory Policies and Procedures, and other legal and policy requirements affecting rulemaking. Although OST's principal role concerns the review of the Department's significant rulemakings, this office has the lead role in the substance of such projects as those concerning aviation economic rules, the Americans with Disabilities Act, and rules that affect multiple elements of the Department.

OST provides guidance and training regarding compliance with regulatory requirements and process for personnel throughout the Department. OST also plays an instrumental role in the Department's efforts to improve our economic analyses; risk assessments; regulatory flexibility analyses; other related analyses; retrospective reviews of rules; and data quality, including peer reviews.

OST also leads and coordinates the Department's response to the Office of Management and Budget's (OMB) intergovernmental review of other agencies' significant rulemaking documents and to Administration and congressional proposals that concern the regulatory process. The General Counsel's office works closely with representatives of other agencies, OMB, the White House, and congressional staff to provide information on how various proposals would affect the ability of the Department to perform its safety, infrastructure, and other missions.

During Fiscal Year 2016, OST will focus its efforts on voice communications on passengers´ mobile wireless devices on scheduled flights within, to and from the United States (2105–AE30).

OST will also continue its efforts on the following rulemaking initiatives:

- Airline Passenger Protections III (2105–AE11)
- In-Flight Medical Oxygen and other ACAA issues (2105–AE12)
- In-Flight Entertainment (2105–AE32)

Reporting of Statistics for Mishandled Baggage and Wheelchairs (2105–AE41)

OST will also continue its efforts to help coordinate the activities of several operating administrations that advance various departmental efforts that support the Administration's initiatives on promoting safety, stimulating the economy and creating jobs, sustaining and building America's transportation infrastructure, and improving quality of life for the people and communities who use transportation systems subject to the Department's policies. It will also continue to oversee the Department's rulemaking actions to implement the ''Moving Ahead for Progress in the 21st Century Act'' (MAP–21).

Federal Aviation Administration (FAA)

The Federal Aviation Administration is charged with safely and efficiently operating and maintaining the most complex aviation system in the world. Destination 2025, an FAA initiative that captures the agency's vision of transforming the Nation's aviation system by 2025, has proven to be an effective tool for pushing the agency to think about longer-term aspirations; FAA has established a vision that defines the agency's priorities for the next five years. The changing technological and industry environment compels us to transform the agency. And the challenging fiscal environment we face only increases the need to prioritize our goals.

We have identified four major strategic initiatives where we will focus our efforts: (1) Risk-based Decision Making—Build on safety management principles to proactively address emerging safety risk by using consistent, data-informed approaches to make smarter, system-level, risk-based decisions; (2) NAS Initiative—Lay the foundation for the National Airspace System of the future by achieving prioritized NextGen benefits, enabling the safe and efficient integration of new user entrants including Unmanned Aircraft Systems (UAS) and Commercial Space flights, and deliver more efficient, streamlined air traffic management services; (3) Global Leadership—Improve safety, air traffic efficiency, and environmental sustainability across the globe through an integrated, data-driven approach that shapes global standards, enhances collaboration and harmonization, and better targets FAA resources and efforts; and (4) Workforce of the Future—Prepare FAA's human capital for the future, by identifying, recruiting, and training a workforce with the leadership, technical, and functional skills to ensure the U.S. has the world's safest and most productive aviation sector.

FAA activities that may lead to rulemaking in Fiscal Year 2016 include continuing to:

- Promote and expand safety information-sharing efforts, such as FAA-industry partnerships and data-driven safety programs that prioritize and address risks before they lead to accidents. Specifically, FAA will continue implementing Commercial Aviation Safety Team projects related to controlled flight into terrain, loss of control of an aircraft, uncontained engine failures, runway incursions, weather, pilot decision making, and cabin safety. Some of these projects may result in rulemaking and guidance materials.
- Respond to the FAA Modernization and Reform Act of 2012 (the Act), which directed the FAA to initiate a rulemaking proceeding to issue guidelines and regulations relating to ADS–B In technology and recommendations from an Aviation Rulemaking Committee on ADS–B–In capabilities in consideration of the FAA's evolving thinking on how to provide an integrated suite of communication, navigation, and surveillance (CNS) capabilities to achieve full NextGen performance.
- Respond to the Act, which also recommended we complete the rulemaking for small Unmanned Aircraft Systems, and consider how to fully integrate UAS operations in the NAS, which will require future rulemaking.
- Respond to the Airline Safety and Federal Aviation Administration Extension Act of 2010 (H.R. 5900), which requires the FAA to develop and implement Safety Management Systems (SMS) where these systems will

improve safety of aviation and aviation-related activities. An SMS proactively identifies potential hazards in the operating environment, analyzes the risks of those hazards, and encourages mitigation prior to an accident or incident. In its most general form, an SMS is a set of decision-making tools that can be used to plan, organize, direct, and control activities in a manner that enhances safety.

• Respond to the Small Airplane Revitalization Act of 2013 (H.R. 1848), which requires the FAA adopt the recommendations from part 23 Reorganization Aviation Rulemaking Aviation Rulemaking Committee (ARC) for improving safety and reducing certification costs for general aviation. The ARC recommendations include a broad range of policy and regulatory changes that it believes could significantly improve the safety of general aviation aircraft while simultaneously reducing certification and modification costs for these aircraft. Among the ARC's recommendations is a suggestion that compliance with part 23 requirements be performance-based, focusing on the complexity and performance of an aircraft instead of the current regulations based on weight and type of propulsion. In announcing the ARC's recommendations, the Secretary of Transportation said ''Streamlining the design and certification process could provide a cost-efficient way to build simple airplanes that still incorporate the latest in safety initiatives. These changes have the potential to save money and maintain our safety standing—a win-win situation for manufacturers, pilots and the general aviation community as a whole.'' Further, these changes are consistent with directions to agencies in [Executive Order 13610 ''*Identifying and Reducing Regulatory Burdens,*'' we continue to find ways to make our regulatory program more effective or less burdensome; provide quantifiable monetary savings or quantifiable reductions in paperwork burdens, and modify and streamline regulations in light of changed circumstances.]

• Work cooperatively to harmonize the U.S. aviation regulations with those of other countries, without compromising rigorous safety standards, or our requirements to develop cost benefit analysis. The differences worldwide in certification standards, practice and procedures, and operating rules must be identified and minimized to reduce the regulatory burden on the international aviation system. The differences between the FAA regulations and the requirements of other nations impose a heavy burden on U.S. aircraft manufacturers and operators, some of which are small businesses. Standardization should help the U.S. aerospace industry remain internationally competitive. The FAA continues to publish regulations based on internal analysis, public comment, and recommendations of Aviation Rulemaking Committees that are the result of cooperative rulemaking between the U.S. and other countries.

FAA top regulatory priorities for Fiscal Year 2016 include:

- Operation and Certification of Small Unmanned Aircraft Systems (2120–AJ60) (Pub. L. 112–95 (Feb. 14, 2012))
- Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes (2120–AK65)
- Airport Safety Management System (2120–AJ38)
- Flight Crewmember Mentoring, Leadership and Professional Development (2120–AJ87)

The Operation and Certification of Small Unmanned Aircraft Systems rulemaking would:

• Adopt specific rules for the operation of small unmanned aircraft systems in the national airspace system; and

• Address the classification of small unmanned aircraft, certification of their pilots and visual observers, registration, approval of operations, and operational limits.

The Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes rulemaking would:

• Reorganize part 23 into performance-based requirements by removing the detailed design requirements from part 23;

• Promote the adoption of the newly created performance-based airworthiness design standard as an internationally accepted standard by the majority of other civil aviation authorities;

• Re-align the part 23 requirements to promote the development of entry-level airplanes similar to those certified under Certification Specification for Very Light Aircraft (CS–VLA);

• Enhance the FAA's ability to address new technology;

• Increase the general aviation (GA) level of safety provided by new and modified airplanes;

• Amend the stall, stall warning, and spin requirements to reduce fatal accidents and increase crashworthiness by allowing new methods for occupant protection; and

• Address icing conditions that are currently not included in part 23 regulations.

The Airport Safety Management System rulemaking would:

• Require certain airport certificate holders to develop, implement, maintain, and adhere to a safety management system (SMS) for its aviation related activities.

The Flight Crewmember Mentoring, Leadership and Professional Development rulemaking would:

• Ensure air carriers establish or modify training programs to address mentoring, leadership and professional development of flight crewmembers in part 121 operations.

Federal Highway Administration (FHWA)

The Federal Highway Administration (FHWA) carries out the Federal highway program in partnership with State and local agencies to meet the Nation's transportation needs. The FHWA's mission is to improve continually the quality and performance of our Nation's highway system and its intermodal connectors.

Consistent with this mission, the FHWA will continue:

• With ongoing regulatory initiatives in support of its surface transportation programs;

• To implement legislation in the most cost-effective way possible; and

• To pursue regulatory reform in areas where project development can be streamlined or accelerated, duplicative requirements can be consolidated, recordkeeping requirements can be reduced or simplified, and the decisionmaking authority of our State and local partners can be increased.

MAP–21 authorizes the Federal surface transportation programs for highways, highway safety, and transit for the two-year period from 2012–2014. The FHWA has analyzed MAP–21 to identify Congressionally directed rulemakings. These rulemakings will be the FHWA's top regulatory priorities for the coming year.

Additionally, the FHWA is in the process of reviewing all FHWA regulations to ensure that they are consistent with MAP–21 and will update those regulations that are not consistent with the recently enacted legislation.

During Fiscal Year 2016, FHWA will continue its focus on improving the quality and performance of our Nation's highway systems by creating national performance management measures and standards to be used by the States to meet the national transportation goals identified in section 1203 of MAP–21 under the following rulemaking initiatives:

- National Goals and Performance Management Measures (Safety) (RIN: 2125–AF49)
- National Goals and Performance Management Measures (Bridges and Pavement) (RIN: 2125–AF53)
- National Goals and Performance Management Measures (Congestion Reduction, CMAQ, Freight, and Performance of Interstate/Non-Interstate NHS) (RIN: 2125–AF54).

Federal Motor Carrier Safety Administration (FMCSA)

The mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries, and fatalities involving commercial trucks and buses. A strong regulatory program is a cornerstone of FMCSA's compliance and enforcement efforts to advance this safety mission. FMCSA develops new and more effective safety regulations based on three core priorities: Raising the safety bar for entry, maintaining high standards, and removing high-risk behavior. In addition to Agency-directed regulations, FMCSA develops regulations mandated by Congress, through legislation such as MAP–21. FMCSA regulations establish standards for motor carriers, commercial drivers, commercial motor vehicles, and State agencies receiving certain motor carrier safety grants and issuing commercial drivers' licenses.

FMCSA's regulatory plan for FY 2016 includes completion of a number of rulemakings that are high priorities for the Agency because they would have a positive impact on safety. Among the rulemakings included in the plan are: (1) Carrier Safety Fitness Determination (RIN 2126–AB11), (2) Entry Level Driver Training (RIN 2126–AB66), and (3) Commercial Driver's License Drug and Alcohol Clearinghouse (RIN 2126–AB18).

Together, these priority rules could improve substantially commercial motor vehicle (CMV) safety on our Nation's highways by increasing FMCSA's ability to provide safety oversight of motor carriers and commercial drivers.

In FY 2016, FMCSA plans to complete the public comment period and issue a final rule on Carrier Safety Fitness Determination (RIN 2126–AB11) to establish a new safety fitness determination standard that will enable the Agency to prohibit ''unfit'' carriers from operating on the Nation's highways and contribute to the Agency's overall goal of decreasing CMV-related fatalities and injuries.

In FY 2016, FMCSA plans to complete the public comment period and issue a final rule on Entry Level Driver Training (RIN 2126–AB66). This rule would establish training requirements for individuals before they can obtain their CDL or certain endorsements. It will define curricula for training providers and establish requirements and procedures for the schools. The proposed rule is based on consensus recommendations from the Agency's Entry-Level Driver Training Advisory Committee (ELDTAC), a negotiated rulemaking committee that held a series of 6 meetings between February and May 2015.

Also in FY 2016, FMCSA plans to issue a final rule on the Commercial Driver's License Drug and Alcohol Clearinghouse (RIN 2126–AB18). The rule would establish a clearinghouse requiring employers and service agents to report information about current and prospective employees' drug and alcohol test results. It would require employers and certain service agents to search the Clearinghouse for current and prospective employees' positive drug and alcohol test results as a condition of permitting those employees to perform safety-sensitive functions. This would provide FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol program violations and ensure that such drivers receive the required evaluation and treatment before resuming safety-sensitive functions.

National Highway Traffic Safety Administration

The statutory responsibilities of the National Highway Traffic Safety Administration (NHTSA) relating to motor vehicles include reducing the number of, and mitigating the effects of, motor vehicle crashes and related fatalities and injuries; providing safety performance information to aid prospective purchasers of vehicles, child restraints, and tires; and improving automotive fuel efficiency. NHTSA pursues policies that encourage the development of non-regulatory approaches when feasible in meeting its statutory mandates. It issues new standards and regulations or amendments to existing standards and regulations when appropriate. It ensures that regulatory alternatives reflect a careful assessment of the problem and a comprehensive analysis of the benefits, costs, and other impacts associated with the proposed regulatory action. Finally, it considers alternatives consistent with the Administration's regulatory principles.

In Fiscal Year 2016, NHTSA, in conjunction with the Environmental Protection Agency, will publish a final rule to address phase two of fuel efficiency standards for medium- and heavy-duty on-highway vehicles and work trucks for model years beyond 2018. This final rule will be responsive to requirements of the Energy Independence and Security Act of 2007 as well as the President's Climate Action Plan.

NHTSA plans to issue a notice of proposed rulemaking (NPRM) on vehicle-to-vehicle (V2V) communications in Fiscal Year 2016. V2V communications are currently perceived to become a foundational aspect of vehicle automation. In response to requirements in MAP–21, NHTSA plans to issue a NPRM that would propose requiring automobile manufacturers to install a seat belt reminder system for the front passenger and rear designated seating positions in passenger vehicles. The seat belt reminder system is intended to increase belt usage and thereby improve the crash protection of vehicle occupants who would otherwise have been unbelted. The Agency will also continue work toward a NPRM that would consider requirements for rear impact guards and other safety strategies on single unit trucks to mitigate under-ride crashes into the rear of single unit trucks.

In addition to numerous programs that focus on the safe performance of motor vehicles, the Agency is engaged in a variety of programs to improve driver and occupant behavior. These programs emphasize the human aspects of motor vehicle safety and recognize the important role of the States in this common pursuit. NHTSA has identified two high-priority areas: Safety belt use and impaired driving. To address these issue areas, the Agency is focusing especially on three strategies—conducting highly visible, well-publicized enforcement; supporting prosecutors who handle impaired driving cases and expanding the use of DWI/Drug Courts, which hold offenders accountable for receiving and completing treatment for alcohol abuse and dependency; and adopting alcohol screening and brief intervention by medical and health care professionals. Other behavioral efforts encourage child safety-seat use; combat excessive speed, driver distraction, and aggressive driving; improve motorcycle, bicycle, and pedestrian safety; and provide consumer information to the public.

Federal Railroad Administration (FRA)

FRA's current regulatory program reflects a number of pending proceedings to satisfy mandates resulting from the Rail Safety Improvement Act of 2008 (RSIA08), and

the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), as well as actions under its general safety rulemaking authority and actions supporting a high-performing passenger rail network and to address the safe and effective movement of energy products, particularly crude oil. RSIA08 alone has required 21 rulemaking actions, 17 of which have been completed. FRA continues to prioritize its rulemakings according to the greatest effect on safety while promoting economic growth, innovation, competitiveness, and job creation, as well as expressed congressional interest, while working to complete as many mandated rulemakings as quickly as possible.

Through the Railroad Safety Advisory Committee (RSAC), FRA is working to complete its on-going development of requirements related to the creation and implementation of railroad risk reduction and system safety programs. FRA is developing proposed rulemaking documents based on the recommendations of an RSAC working group containing the fatigue management provisions related to both proceedings. FRA is also in the process of developing a significant regulatory action that would propose requirements related to the crew size of passenger and freight trains, including trains transporting crude oil and ethanol by rail. FRA continues its work to produce a rulemaking containing RSAC-supported actions that advance high-performing passenger rail to proposed standards for alternative compliance with FRA's Passenger Equipment Safety Standards for the operation of Tier III passenger equipment. Finally, FRA is developing proposed rules regarding track inspections aimed at improving rail integrity to allow continuous rail integrity testing and to address the use of inward and outward facing locomotive-mounted cameras and other recording devices.

Federal Transit Administration (FTA)

FTA helps communities support public transportation by making grants of Federal funding for transit vehicles, construction of transit facilities, and planning and operation of transit and other transit-related purposes. FTA regulatory activity implements the laws that apply to recipients' uses of Federal funding and the terms and conditions of FTA grant awards. FTA policy regarding regulations is to:

- Ensure the safety of public transportation systems.
- Provide maximum benefit to the Nation's mobility through the connectivity of transportation infrastructure;
- Provide maximum local discretion;
- Ensure the most productive use of limited Federal resources;
- Protect taxpayer investments in public transportation;
- Incorporate principles of sound management into the grant management process.

As the needs for public transportation have changed over the years, the Federal transit programs have grown in number and complexity often requiring implementation through the rulemaking process. FTA is currently implementing many of its public transportation programs authorized under MAP–21 through the regulatory process. To that end, FTA's regulatory priorities include implementing the newly authorized Public Transportation Safety Program (49 U.S.C. 5329), such as the Public Transportation Safety Plan and updating the State Safety Oversight rule, as well as, implementing requirements for Transit Asset Management Systems (49 U.S.C. 5326). The joint FTA/FHWA planning rule which will be merged with FTA/FHWA's Additional Authorities for Planning and Environmental Linkages rule and FTA's Bus Testing rule round out its regulatory priorities.

Maritime Administration (MARAD)

The Maritime Administration (MARAD) administers Federal laws and programs to improve and strengthen the maritime transportation system to meet the economic, environmental, and security needs of the Nation. To that end, MARAD's efforts are focused upon ensuring a strong American presence in the domestic and international trades and to expanding maritime opportunities for American businesses and workers.

MARAD's regulatory objectives and priorities reflect the agency's responsibility for ensuring the availability of water transportation services for American shippers and consumers and, in times of war or national emergency, for the U.S. armed forces. Major program areas include the following: Maritime Security, Voluntary Intermodal Sealift Agreement, National Defense Reserve Fleet and the Ready Reserve Force, Cargo Preference, Maritime Guaranteed Loan Financing, United States Merchant Marine Academy, Mariner Education and Training Support, Deepwater Port Licensing, and Port and Intermodal Development. Additionally, MARAD administers the Small Shipyard Grants Program through which equipment and technical skills training are provided to America's maritime workforce, with the aim of helping businesses to compete in the global marketplace while creating well-paying jobs at home.

MARAD's primary regulatory activities in Fiscal Year 2016 will be to continue the update of existing regulations as part of the Department's Retrospective Regulatory Review effort, and to propose new regulations where appropriate.

Pipeline and Hazardous Materials Safety Administration (PHMSA)

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has responsibility for rulemaking under two programs. Through the Associate Administrator for Hazardous Materials Safety, PHMSA administers regulatory programs under Federal hazardous materials transportation law and the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990. Through the Associate Administrator for Pipeline Safety, PHMSA administers regulatory programs under the Federal pipeline safety laws and the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990. The Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 included a number of rulemaking studies and mandates and additional enforcement authorities that continue to impact PHMSA's regulatory activities in Fiscal Year 2015.[1]

MAP–21 reauthorized the hazardous materials safety program and required several regulatory actions by PHMSA. PHMSA has been very effective in implementing the MAP–21 provisions. MAP–21 established over thirty distinct provisions applicable to PHMSA's Hazardous Materials Safety Program. For example, MAP–21 required PHMSA to codify its procedures for issuing special permits and the criteria it uses to evaluate special permit and approval applications. MAP–21 requires PHMSA to conduct a review of existing special permits and publish a rulemaking every two years to codify special permits that have been in continuous effect for a ten-year period. MAP–21 also requires PHMSA to evaluate the feasibility of paperless hazard communication as an effective means for transmitting shipment information between shippers, carriers, responders, and enforcement officials.

PHMSA will continue to work toward improving safety related to transportation of hazardous materials by all transportation modes, including

[1] *http://www.phmsa.dot.gov/pv_obj_cache/pv_obj_id_7FD46010F0497123865B976479CFF3952E990200/filename/Pipeline%20Reauthorization%20Bill%202011.pdf.*

pipeline, while promoting economic growth, innovation, competitiveness, and job creation. We will concentrate on the prevention of high-risk incidents identified through the findings of the National Transportation Safety Board (NTSB) and PHMSA's evaluation of transportation incident data. PHMSA will use all available Agency tools to assess data; evaluate alternative safety strategies, including regulatory strategies as necessary and appropriate; target enforcement efforts; and enhance outreach, public education, and training to promote safety outcomes.

PHMSA will continue to focus on the streamlining of its regulatory system and reducing regulatory burdens. PHMSA will evaluate existing rules to examine whether they remain justified; should be modified to account for changing circumstances and technologies; or should be streamlined or even repealed. PHMSA will continue to evaluate, analyze, and be responsive to petitions for rulemaking. PHMSA will review regulations, letters of interpretation, petitions for rulemaking, special permits, enforcement actions, approvals, and international standards to identify inconsistencies, outdated provisions, and barriers to regulatory compliance.

PHMSA aims to reduce the risks related to the transportation of hazardous materials by rail. Preventing tank car incidents and minimizing the consequences when an incident does occur are not only DOT priorities, but are also shared by our Federal and international partners, the NTSB, industry, and the general public. Expansion in United States energy production has led to significant challenges in the transportation system. Expansion in oil production has led to increasing volumes of energy products transported to refineries. With a growing domestic supply, rail transportation, in particular, has emerged as an alternative to transportation by pipeline or vessel. The growing reliance on trains to transport large volumes of flammable liquids raises risks that have been highlighted by the recent instances of trains carrying crude oil that have derailed. PHMSA and FRA issued a final rule on May 8, 2015 (80 FR 26643), designed to lessen the frequency and consequences of train accidents involving flammable liquids. In addition, PHMSA and FRA issued an Advanced Notice of Proposed Rulemaking on August 1, 2014 (79 FR 45079), seeking comment on potential revisions to its regulations that would expand the applicability of comprehensive oil spill response plans (OSRPs) for crude oil trains. PHMSA will continue to take regulatory actions to enhance the safe transportation of energy products.

On October 13, 2015 [80 FR 61609], PHMSA issued an NPRM proposing changes to the regulations covering hazardous liquid onshore pipelines. Specifically, the agency proposed regulatory changes relative to High Consequence Areas (HCAs) for integrity management (IM) protections, repair timeframes, and reporting for all hazardous liquid gathering lines. The agency also addressed public safety and environmental aspects of any new requirements, as well as the cost implications and regulatory burden.

PHMSA also will be revisiting the requirements in the Pipeline Safety Regulations addressing integrity management principles for Gas Transmission pipelines. In particular, PHMSA is planning to propose requirements to address repair criteria for both HCA and non-HCA areas, assessment methods, validating and integrating pipeline data, risk assessments, knowledge gained through the IM program, corrosion control, management of change, gathering lines, and safety features on launchers and receivers.

QUANTIFIABLE COSTS AND BENEFITS OF RULEMAKINGS ON THE 2015 TO 2016 DOT REGULATORY PLAN

[This chart does not account for benefits and costs that could not be monetized, which may be substantial]

Agency/RIN No.	Title	Stage	Quantifiable costs discounted 2013 $ (millions)	Quantifiable benefits discounted 2013 $ (millions)
		OST		
2105–AE30	Use of Mobile Wireless Devices for Voice Calls on Aircraft.	NPRM 03/16	TBD	TBD.
		FAA		
2120–AJ38	Airport Safety Management System	SNPRM 11/15	$157.5	$225.9.
2120–AJ60	Small Unmanned Aircraft Systems ..	FR 4/16	$5.7	TBD.
2120–AJ87	Pilot Professional Development	NPRM 12/15	$46.8	$46.3.
2120–AK65	Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes.	NPRM 01/16	$3.9	$11.6.
		FHWA		
2125–AF49	Performance Management 1	FR 11/15	$5.4 ..... *Note: These are preliminary agency estimates only. They have not been reviewed by others outside of DOT. The estimates could change after interagency review.*	Breakeven Analysis.
2125–AF53	Performance Management 2	NPRM (Analyzing Comments 12/15) FR TBD.	$21.2 ..... *Note: These are preliminary agency estimates only. They have not been reviewed by others outside of DOT. The estimates could change after interagency review.*	Breakeven Analysis.

QUANTIFIABLE COSTS AND BENEFITS OF RULEMAKINGS ON THE 2015 TO 2016 DOT REGULATORY PLAN—Continued

[This chart does not account for benefits and costs that could not be monetized, which may be substantial]

Agency/RIN No.	Title	Stage	Quantifiable costs discounted 2013 $ (millions)	Quantifiable benefits discounted 2013 $ (millions)
2125–AF54	Performance Management 3	NPRM 12/15	TBD	Breakeven Analysis.
		FMCSA		
2126–AB11	Carrier Safety Fitness Determination	NPRM 11/15	$7	$241.
2126–AB18	Commercial Driver's License Drug and Alcohol Clearinghouse.	FR 03/16	$174	$230.
2126–AB66	Entry Level Driver Training	NPRM 11/15	TBD	TBD.
		NHTSA		
2127–AL37	Rear Seat Belt Reminder System	NPRM 04/16	$164.3–$324.6 *Note: These are preliminary agency estimates only. They have not been reviewed by others outside of DOT. The estimates could change after interagency review.*	310–465.5. *Note: These are preliminary agency estimates only. They have not been reviewed by others outside of DOT. The estimates could change after interagency review.*
2127–AL52	Fuel Efficiency Standards for Medium- and Heavy-Duty Vehicles and Work Trucks: Phase 2.	NPRM (Analyzing Comments 11/15) FR TBD.	$30,500–$31,100	$261,000–$276,000.
		FTA		
2132–AB07	Transit Asset Management	NPRM (Analyzing Comments 11/15).	$18.9 million (Annualized)	Breakeven Analysis.
2132–AB23	Public Transportation Agency Safety Plan.	NPRM 12/15	$92 million (Annualized)	Breakeven Analysis.
		PHMSA		
2137–AE66	Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines.	NPRM 11/15	TBD	TBD.
2137–AE72	Pipeline Safety: Gas Transmission (RRR).	NPRM 12/15	TBD	TBD.
2137–AF08	Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains.	NPRM 01/16	TBD	TBD.

Notes: Costs and benefits of rulemakings may be forecast over varying periods. Although the forecast periods will be the same for any given rulemaking, comparisons between proceedings should be made cautiously.

Costs and benefits are generally discounted at a 7 percent discount rate over the period analyzed.

The Department of Transportation generally assumes that there are economic benefits to avoiding a fatality of $9.4 million. That economic value is included as part of the benefits estimates shown in the chart. As noted above, we have not included the non-quantifiable benefits.

DOT—OFFICE OF THE SECRETARY (OST)

Proposed Rule Stage

86. +Use of Mobile Wireless Devices for Voice Calls on Aircraft

Priority: Other Significant.

Legal Authority: 49 U.S.C. 41712, 49 U.S.C. 41702

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: The Department of Transportation (DOT or Department) is seeking comment on whether it should adopt a rule to restrict voice communications on passengers' mobile wireless devices on scheduled flights within, to and from the United States. The Federal Communications Commission (FCC) recently issued a notice of proposed rulemaking that if adopted would, among other things, create a pathway for airlines to permit the use of cellphones or other mobile wireless devices to make or receive calls on board aircraft. DOT supports the FCC's proposal to revise its rules in light of the technology available and to expand access to mobile wireless data services on board aircraft; however, under the Department's aviation consumer protection authority and because of concerns raised, we are seeking comment on whether to ban voice calls on aircraft.

Statement of Need: This rulemaking proposes to regulate the practice of permitting airline passengers to use mobile wireless devices to make voice calls onboard aircraft. Currently, the FCC bans the use of certain cellular frequencies on aircraft; this rule effectively prohibits the use of cellular telephone frequencies to make voice calls while in flight. In 2013, however, the FCC issued an NPRM which proposed lifting the ban on cellular frequencies while in flight, so long as the aircraft is equipped with an Airborne Access System. Moreover,

airlines are increasingly installing Wi-Fi technology onboard aircraft. These systems operate outside the scope of the FCC's ban and have the capacity to transmit voice calls. In light of these developments, the Department anticipates an environment in which voice calls on aircraft would be not only permitted, but increasingly frequent. In February 2014, the Department issued an ANPRM seeking comment on whether to regulate the use of voice calls onboard aircraft. Comments received by the public (along with pilots' organizations and flight attendants' organizations) overwhelmingly favored a ban.

Summary of Legal Basis: The primary legal basis for this rulemaking is 49 U.S.C. 41712, which prohibits unfair or deceptive practices in air transportation or the sale of air transportation. The Department submits that permitting passengers to make voice calls within the confines of an aircraft may be ''unfair'' in that it subjects other passengers to significant unavoidable harm without countervailing benefits. The Department's consumer protection authority found in section 41712 also supports a proposed rule which would require sellers of air transportation to notify passengers when a given flight does permit the use of voice calls. Another legal basis for the proposed rule is 49 U.S.C. 41702, which provides that air carriers shall provide ''safe and adequate'' domestic air transportation. The Department relied on section 41702 when it determined that the discomfort to passengers from smoking on aircraft was significant enough to justify regulating smoking to ensure adequate service in domestic air transportation. The Department submits that voice calls on aircraft would create a similar type of passenger hardship.

Alternatives: The Department's NPRM, as currently drafted, would propose three (co-equal) alternative rules: (1) Prohibiting airlines from permitting passengers to use mobile devices to make voice calls on domestic flights and domestic segments of international flights; (2) prohibiting airlines from permitting passengers to use mobile devices to make voice calls on both domestic flights and international flights; and (3) not banning voice calls, but requiring sellers of air transportation to disclose in advance when a particular flight is one on which voice calls are permitted. The alternative to these three proposals is to take no action; this alternative would require no advance notice and would passengers to make voice calls to the extent that the FCC's rule, technological advances, and airlines' own policies would allow.

Anticipated Cost and Benefits: TBD.

Risks: n/a.

Timetable:

Action	Date	FR Cite
ANPRM	02/24/14	79 FR 10049
ANPRM Comment Period End.	03/26/14	
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Blane A. Workie, Principal Deputy Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–9342, *TDD Phone:* 202 755–7687, *Fax:* 202 366–7152, *Email: blane.workie@dot.gov.*

RIN: 2105–AE30

DOT—FEDERAL AVIATION ADMINISTRATION (FAA)

Proposed Rule Stage

87. +Airport Safety Management System

Priority: Other Significant.

Legal Authority: 49 U.S.C. 44706; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701 to 44706; 49 U.S.C. 44709; 49 U.S.C. 44719

CFR Citation: 14 CFR 139.

Legal Deadline: Final, Statutory, November 5, 2012, final rule.

Abstract: This rulemaking would require certain airport certificate holders to develop, implement, maintain, and adhere to a safety management system (SMS) for its aviation related activities. An SMS is a formalized approach to managing safety by developing an organization-wide safety policy, developing formal methods of identifying hazards, analyzing and mitigating risk, developing methods for ensuring continuous safety improvement, and creating organization-wide safety promotion strategies.

Statement of Need: In the NPRM published on October 7, 2010, the FAA proposed to require all part 139 certificate holders to develop and implement an SMS to improve the safety of their aviation-related activities. The FAA received 65 comment documents from a variety of commenters. Because of the complexity of the issues and concerns raised by the commenters, the FAA began to reevaluate whether deployment of SMS at all certificated airports was the most effective approach. The FAA continues to believe that an SMS can address potential safety gaps that are not completely eliminated through effective FAA regulations and technical operating standards.

Summary of Legal Basis: The FAA's authority to issue rules regarding aviation safety is found in title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. The FAA is proposing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44706, ''Airport operating certificates.'' Under that section, Congress charges the FAA with issuing airport operating certificates (AOC) that contain terms that the Administrator finds necessary to ensure safety in air transportation. This proposed rule is within the scope of that authority because it requires certain certificated airports to develop and maintain an SMS. The development and implementation of an SMS ensures safety in air transportation by assisting these airports in proactively identifying and mitigating safety hazards.

Alternatives: The FAA is exploring various alternatives to determine how to apply an SMS requirement to a group of airports that gains the most benefit in a cost-effective manner.

Anticipated Cost and Benefits: Benefits are estimated at $370,788,457 ($225,850,869 present value) and total costs are estimated at $238,865,692 ($157,496,312 present value), with benefits exceeding costs. These are preliminary estimates subject to change based on further review and analysis.

Risks: An SMS is a formalized approach to managing safety by developing an organization-wide safety policy, developing formal methods of identifying hazards, analyzing and mitigating risk, developing methods for ensuring continuous safety improvement, and creating organization-wide safety promotion strategies. An SMS provides an organization's management with a set of decisionmaking tools that can be used to plan, organize, direct, and control its business activities in a manner that enhances safety and ensures compliance with regulatory standards. Adherence to standard operating procedures, proactive identification and mitigation of hazards and risks, and effective

communications are crucial to continued operational safety. The FAA envisions an SMS would provide an airport with an added layer of safety to help reduce the number of near-misses, incidents, and accidents. An SMS also would ensure that all levels of airport management understand safety implications of airfield operations.

Timetable:

Action	Date	FR Cite
NPRM	10/07/10	75 FR 62008
NPRM Comment Period Extended.	12/10/10	75 FR 76928
NPRM Comment Period End.	01/05/11	
End of Extended Comment Period.	03/07/11	
Second Extension of Comment Period.	03/07/11	76 FR 12300
End of Second Extended Comment Period.	07/05/11	
Supplemental NPRM.	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: State.

Additional Information: The estimated costs of this rule do not include the costs of mitigations that operators could incur as a result of conducting the risk analysis proposed in this rule. Given the range of mitigation actions possible, it is difficult to provide a quantitative estimate of both the costs and benefits of such mitigations. However, we anticipate that operators will only implement mitigations where benefits exceeds costs. As such, the FAA believes that the costs of this rule would be justified by the anticipated benefits of the rule, if adopted as proposed.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Keri Lyons, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, *Phone:* 202 267–8972, *Email: keri.lyons@faa.gov*.

Related RIN: Related to 2120–AJ15

RIN: 2120–AJ38

DOT—FAA

88. +Pilot Professional Development

Priority: Other Significant.

Legal Authority: 49 U.S.C. 44701(a)(5); Pub. L. 111–216, sec 206

CFR Citation: 14 CFR 121.

Legal Deadline: NPRM, Statutory, April 20, 2015, NPRM.

Abstract: This rulemaking would amend the regulations for air carrier training programs under part 121. The action is necessary to ensure that air carriers establish or modify training programs to address mentoring, leadership and professional development of flight crewmembers in part 121 operations. This rulemaking is required by the Airline Safety and Federal Aviation Administration Act of 2010.

Statement of Need: On August 1, 2010, the President signed the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Pub. L. 111–216). Section 206 of Public Law 111–216 directed the FAA to convene an aviation rulemaking committee (ARC) to develop procedures for each part 121 air carrier pertaining to mentoring, professional development, and leadership and command training for pilots serving in part 121 operations and to issue a Notice of Proposed Rulemaking (NPRM) based on the ARC recommendations. This NPRM is necessary to satisfy a requirement of section 206 of Public Law 111–216.

Summary of Legal Basis: The FAA authority to issue rules on aviation safety is found in title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the general authority described in 49 U.S.C. 106(f) and 44701(a) and the specific authority found in section 206 of Public Law 111–216, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (49 U.S.C. 44701 note), which directed the FAA to convene an aviation rulemaking committee (ARC) and conduct a rulemaking proceeding based on this ARC's recommendations pertaining to mentoring, professional development, and leadership and command training for pilots serving in part 121 operations. Section 206 further required that the FAA include in leadership and command training, instruction on compliance with flightcrew member duties under 14 CFR 121.542.

Alternatives: The Flight Crewmember Mentoring, Leadership, and Professional Development ARC presented recommendations to the FAA in its report dated November 2, 2010.

Anticipated Cost and Benefits: For the timeframe 2015 to 2024 (millions of 2013 Dollars), the total cost saving benefits is $72.017 ($46.263 present value) and the total compliance costs is $67.632 ($46.774 present value).

Risks: As recognized by the National Transportation Safety Board (NTSB), the overall safety and reliability of the National Airspace System demonstrates that most pilots conduct operations with a high degree of professionalism. Nevertheless, a problem still exists in the aviation industry with some pilots acting unprofessionally and not adhering to standard operating procedures, including sterile cockpit. The NTSB has continued to cite inadequate leadership in the flight deck, pilots' unprofessional behavior, and pilots' failure to comply with the sterile cockpit rule as factors in multiple accidents and incidents including Pinnacle Airlines flight 3701 and Colgan Air, Inc. flight 3407. The FAA intends for this proposal to mitigate unprofessional pilot behavior which would reduce pilot errors that can lead to a catastrophic event.

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Sheri Pippin, Department of Transportation, Federal Aviation Administration, 15000 Aviation Blvd., Lawndale, CA 90261, *Phone:* 310 725–7342, *Email: sheri.pippin@faa.gov*.

Related RIN: Related to 2120–AJ00

RIN: 2120–AJ87

DOT—FAA

89. +Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes

Priority: Other Significant.

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

CFR Citation: 14 CFR 23.

Legal Deadline: NPRM, Statutory, December 15, 2015, NPRM (Pub. L. 113–53).

Abstract: This rulemaking would revise title 14, Code of Federal Regulations (14 CFR) part 23 as a set of performance based regulations for the design and certification of small transport category aircraft. This

rulemaking would: (1) Reorganize part 23 into performance-based requirements by removing the detailed design requirements from part 23. The detailed design provisions that would assist applicants in complying with the new performance-based requirements would be identified in means of compliance (MOC) documents to support this effort; (2) promote the adoption of the newly created performance-based airworthiness design standard as an internationally accepted standard by the majority of other civil aviation authorities; (3) re-align the part 23 requirements to promote the development of entry-level airplanes similar to those certified under Certification Specification for Very Light Aircraft (CS–VLA); (4) enhance the FAA's ability to address new technology; (5) increase the general aviation (GA) level of safety provided by new and modified airplanes; (6) amend the stall, stall warning, and spin requirements to reduce fatal accidents and increase crashworthiness by allowing new methods for occupant protection; (7) address icing conditions that are currently not included in part 23 regulations.

Statement of Need: The FAA's strategic vision in line with Destination 2025, communicates FAA goals to increase safety throughout general aviation by enabling and facilitating innovation and development of safety enhancing products. This project intends to provide an appropriate and globally competitive regulatory structure that allows small transport category airplanes to achieve FAA safety goals through innovation and compliance with performance-based safety standards. One focus area is Loss of Control (LOC) accidents, which continues to be the largest source of fatal GA accidents. To address LOC accidents, the Small Airplane Directorate is focused on establishing standards based on a safety continuum that balances the level of certitude, appropriate level of safety, and acceptable risk for each segment of GA. This risk-based approach to certification has already served the FAA and public well, with the application of section 23.1309 to avionics equipment in part 23 airplanes, leading to the successful introduction of glass cockpits in small GA airplanes. To improve the GA fleet's safety level over that of today's aging fleet, the FAA needs to allow industry to build new part 23 certificated airplanes with today's safety enhancing technologies. Although a number of new small airplanes are being built, many are certified to the Civil Air Regulations (CAR 3) part 3, or very early amendment levels of part 23, and reflect the level of safety technology available when they were designed decades ago. Without new airplanes and improved existing airplanes, we will not see the safety improvements in GA that are possible with the technology developed since the 1970's. This rulemaking effort targets: increasing the safety level in new airplanes; reducing the cost of certification to encourage newer and safer airplane development; and create new opportunities to address safety related issues, not just in new airplanes, but eventually with the existing fleet.

Summary of Legal Basis: Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704. Additionally, Public Law 113–53, Small Airplane Revitalization Act of 2013 (Nov. 27, 2013), requires that the FAA issue a final rule revising these standards by December 15, 2015.

Alternatives: Several alternatives are considering. 1. Retaining part 23 in its current form without adopting the recommendations of the ARC and the CPS. 2. Revising part 23 using a tiered approach and adopting a performance and complexity tiering structure instead of the propulsion and weight-based approach used today, but retaining the detailed design requirements in the rule. 3. Allowing an industry standard for part 23 entry-level airplanes as an alternative to part 23. Airplanes other than entry-level would still be regulated within the confines of the existing part 23. being

Anticipated Cost and Benefits: For the timeframe 2017 to 2036 (2014 $ Millions), the total costs are $3.9 ($3.9 present value) and the total benefits are $30.8 ($11.6 present value).

Risks: To be determined.

Timetable:

Action	Date	FR Cite
NPRM	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Undetermined.

Additional Information: Additionally, Public Law 113–53, Small Airplane Revitalization Act of 2013 states: ''SEC. 3. SAFETY AND REGULATORY IMPROVEMENTS FOR GENERAL AVIATION. (a) IN GENERAL.— Not later than December 15, 2015, the Administrator of the Federal Aviation Administration shall issue a final rule—''

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Lowell Foster, Department of Transportation, Federal Aviation Administration, 901 Locust St., Kansas City, MO 64106, *Phone:* 816–329–4125, *Email: lowell.foster@faa.gov.*

RIN: 2120–AK65

DOT—FAA

Final Rule Stage

90. +Operation and Certification of Small Unmanned Aircraft Systems

Priority: Other Significant.

Legal Authority: 49 U.S.C. 44701; Pub. L. 112–95

CFR Citation: 14 CFR 91.

Legal Deadline: Final, Statutory, August 14, 2014, Pub. L. 112–95, sec 332(b) requires issuance of final rule 18 months after integration plan is submitted to Congress. Integration plan due Feb. 14, 2013.

Abstract: This rulemaking would allow the commercial operation of small unmanned aircraft systems (small UAS) in the National Airspace System (NAS). These changes would address the operation of small unmanned aircraft systems, certification of their operators, registration of the small unmanned aircraft, and display of registration markings. This action would also find airworthiness certification is not required for small unmanned aircraft system operations subject to this rulemaking.

Statement of Need: This rulemaking would amend regulations to adopt specific rules for the operation of Small Unmanned Aircraft Systems in the National Airspace System (NAS). These changes would address the classification of small UAS, certification of small UAS pilots, registration of small UAS, and small UAS operational limits. The changes are necessary to allow for routine non-recreational operation of small UAS. Absent this rulemaking effort, operators would need to file a request for exemption or certificate of waiver to operate.

Summary of Legal Basis: The FAA's authority to issue rules on aviation safety is found in title 49 of the U.S. Code. Subtitle I, section 106 describes the authority of the FAA Administrator, including the authority to issue, rescind, and revise regulations. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described subtitle VII, part A, subpart III, chapter 447, Safety Regulation. Pursuant to section 44701 (a)(5), the FAA is charged with promoting safe flight of civil aircraft by, among other

things, prescribing regulations the FAA finds necessary for safety in air commerce and national security. This rulemaking is within the scope of that authority.

Alternatives: The overall quantified benefits to society will eventually be determined by market forces and the ingenuity of the entrepreneurs. We expect markets to evolve within the constraints of the proposed requirements and we assess the potential market within the context of the demand for sUAS services. We estimate the total benefits and costs associated with the requirements contained in the proposal. As this is an enabling rulemaking action, the estimated benefits cannot yet be quantified. The total estimated costs are $8.0 million.

Anticipated Cost and Benefits: The costs are estimated at $6,803,100 ($5,714,000 present value). The FAA has not quantified the benefits for this rulemaking because we lack sufficient data. The FAA invited commenters to provide data that could be used to quantify the benefits of this rulemaking.

Risks: Commercial operations currently have no legal means to conduct operations without an FAA-issued exemption.

Timetable:

Action	Date	FR Cite
NPRM	02/23/15	80 FR 9544
NPRM Comment Period End.	04/24/15	
Final Rule	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Lance Nuckolls, Unmanned Aircraft Systems Integration Office, Department of Transportation, Federal Aviation Administration, 490 L'Enfant Plaza SW., Washington, DC 20024, *Phone:* 202 267–8447, *Email: uas-rule@faa.gov.*

RIN: 2120–AJ60

DOT—FEDERAL HIGHWAY ADMINISTRATION (FHWA)

Proposed Rule Stage

91. +National Goals and Performance Management Measures (MAP–21)

Priority: Other Significant.

Legal Authority: Pub. L. 112–141 sec 1203; 49 FR 1.85

CFR Citation: 23 CFR 490.

Legal Deadline: NPRM, Statutory, April 1, 2014, NPRM.

Section 1203 of MAP–21 requires the Secretary to promulgate a rulemaking within 18 months after the date of enactment.

Abstract: This rulemaking would create national performance management measures and standards to be used by the States to meet the national transportation goals identified in section 1203 of MAP–21. This rulemaking would also establish the process to be used by States to set performance targets that reflect their performance measures. The FHWA anticipates issuing up to three rulemakings in this area. This rulemaking covers Congestion Mitigation and Air Quality (CMAQ) and Freight issues.

Statement of Need: The Moving Ahead for Progress in the 21st Century Act (MAP–21) transforms the Federal-aid highway program by establishing new requirements for performance management to ensure the most efficient investment of Federal transportation funds. Performance management refocuses attention on national transportation goals, increases the accountability and transparency of the Federal-aid highway program, and improves project decisionmaking through performance-based planning and programming. This rulemaking is the third of three that would propose the establishment of performance measures for State DOTs and MPOs to use to carry out Federal-aid highway programs and to assess performance in each of the 12 areas mandated by MAP–21. This rulemaking would establish performance measures for State DOTs to use in the areas of Congestion Reduction, Congestion mitigation and air quality improvement program (CMAQ), Freight, and Performance of Interstate/Non-Interstate National Highway System.

Summary of Legal Basis: Section 1203 of MAP–21 requires the Secretary of Transportation to establish performance measures and standards through a rulemaking to assess performance in 12 areas.

Alternatives: N/A.

Anticipated Cost and Benefits: Not yet determined.

Risks: N/A.

Timetable:

Action	Date	FR Cite
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Francine Shaw-Whitson, Department of Transportation, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8028, *Email: francine.shaw-whitson@dot.gov.*

RIN: 2125–AF54

DOT—FHWA

Final Rule Stage

92. +National Goals and Performance Management Measures (Map–21)

Priority: Other Significant.

Legal Authority: 23 U.S.C. 150

CFR Citation: 23 CFR 490.

Legal Deadline: NPRM, Statutory, April 1, 2014, NPRM.

Section 1203 of MAP–21 requires the Secretary to promulgate a rulemaking within 18 months after the date of enactment.

Abstract: This rulemaking would create national performance management measures and standards to be used by the States to meet the national transportation goals identified in section 1203 of MAP–21. This rulemaking would also establish the process to be used by States to set performance targets that reflect their performance measures. The FHWA anticipates publishing up to three separate rulemakings to address the different areas covered by this section. This rulemaking, the first, will cover safety.

Statement of Need: The Moving Ahead for Progress in the 21st Century Act (MAP–21) transforms the Federal-aid highway program by establishing new requirements for performance management to ensure the most efficient investment of Federal transportation funds. Performance management refocuses attention on national transportation goals, increases the accountability and transparency of the Federal-aid highway program, and improves project decision-making through performance-based planning

and programming. This rulemaking is the first of three that would propose the establishment of performance measures for State DOTs and MPOs to use to carry out Federal-aid highway programs and to assess performance in each of the 12 areas mandated by MAP–21. This rulemaking would establish performance measures to carry out the Highway Safety Improvement Program and to assess serious injuries and fatalities, both in number and expressed as a rate, on all public roads. In addition this rulemaking would establish the process for State DOTs and MPOs to use to establish and report safety targets, and the process that FHWA will use to assess progress State DOTs have made in achieving safety targets.

Summary of Legal Basis: Section 1203 of MAP–21 requires the Secretary of Transportation to establish performance measures and standards through a rulemaking to assess performance in 12 areas.

Alternatives: N/A.

Anticipated Cost and Benefits: Preliminary estimates show that the total costs for a 10 year period is $66,695,260 (undiscounted), $53,873,609 (7% discount rate), and $60,504,205 (3% discount rate). The DOT performed a break-even analysis that estimates the number of fatalities and incapacitating injuries the rule would need to prevent for the benefits of the rule to justify the costs. Preliminary estimates show that the proposed rule would need to prevent approximately 7 fatalities over 10 years, or less than one avoided fatality per year nationwide, to outweigh the anticipated costs of the proposed rule. When the break-even analysis uses incapacitating injuries as the reduction metric, preliminary estimates show that the proposed rule must be responsible for reducing approximately 153 incapacitating injuries over 10 years, or approximately 15 per year, to outweigh the anticipated costs of the proposed rule. In other words, the proposed rule must result in approximately 7 fewer fatalities, which is equivalent to approximately 153 fewer incapacitating injuries, over 10 years, for the proposed rule to be cost-beneficial.

Note: These are preliminary agency estimates only. They have not been reviewed by others outside of DOT. The estimates could change after interagency review.

Risks: N/A.

Timetable:

Action	Date	FR Cite
NPRM	03/11/14	79 FR 13846
NPRM Comment Period End.	06/09/14	
Comment Period Extended.	06/30/14	79 FR 30508
Final Rule	02/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: State.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Francine Shaw-Whitson, Department of Transportation, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8028, *Email:* *francine.shaw-whitson@dot.gov*.

RIN: 2125–AF49

DOT—FHWA

93. +National Goals and Performance Management Measures (Map–21)

Priority: Other Significant.

Legal Authority: Pub. L. 112–141 sec 1203; 49 CFR 1.85

CFR Citation: Not Yet Determined.

Legal Deadline: NPRM, Statutory, April 1, 2014, NPRM.

Section 1203 of MAP–21 requires the Secretary to promulgate a rulemaking within 18 months after the date of enactment.

Abstract: This rulemaking would create national performance management measures and standards to be used by the States to meet the national transportation goals identified in section 1203 of MAP–21. This rulemaking would also establish the process to be used by States to set performance targets that reflect their performance measures. The FHWA anticipates issuing up to three rulemakings in this area. This rulemaking, number two, will cover the bridges and pavement.

Statement of Need: The Moving Ahead for Progress in the 21st Century Act (MAP–21) transforms the Federal-aid highway program by establishing new requirements for performance management to ensure the most efficient investment of Federal transportation funds. Performance management refocuses attention on national transportation goals, increases the accountability and transparency of the Federal-aid highway program, and improves project decisionmaking through performance-based planning and programming. This rulemaking is the second of three that would propose the establishment of performance measures for State DOTs and MPOs to use to carry out Federal-aid highway programs and to assess performance in each of the 12 areas mandated by MAP–21. This rulemaking would establish performance measures for State DOTs to use to carry out the National Highway Performance Program (NHPP) and to assess: Condition of pavements on the National Highways System (NHS) (excluding the Interstate System), condition of pavements on the Interstate System, and condition of bridges on the NHS. This rulemaking would also propose: The definitions that will be applicable to the new 23 CFR 490; the process to be used by State DOTs and MPOs to establish performance targets that reflect the measures proposed in this rulemaking; a methodology to be used to assess State DOTs compliance with the target achievement provision specified under 23 U.S.C. 119(e)(7); and the process to be followed by State DOTs to report on progress towards the achievement of pavement and bridge condition-related performance targets.

Summary of Legal Basis: Section 1203 of MAP–21 requires the Secretary of Transportation to establish performance measures and standards through a rulemaking to assess performance in 12 areas.

Alternatives: N/A.

Anticipated Cost and Benefits: The FHWA estimated the incremental costs associated with the new requirements proposed in this regulatory action that represent a change to current practices for State DOTs and MPOs. Following this approach, the estimated 10-year undiscounted incremental costs to comply with this rule are $196.4 million. The FHWA could not directly quantify the expected benefits due to data limitations and the amorphous nature of the benefits from the proposed rule. Therefore, in order to evaluate the benefits, FHWA used a break-even analysis as the primary approach to quantify benefits. For both pavements and bridges, FHWA focused its break-even analysis on Vehicle Operating Costs (VOC) savings. The FHWA estimated the number of road miles of deficient pavement that would have to be improved and the number of posted bridges that would have to be avoided in order for the benefits of the rule to justify the costs. The results of the break-even analysis quantified the dollar value of the benefits that the proposed rule must generate to outweigh the threshold value, the estimated cost of the proposed rule, which is $196.4 million in undiscounted dollars. The FHWA believes that the proposed rule would

surpass this threshold and, as a result, the benefits of the rule would outweigh the costs.

Note: These are preliminary agency estimates only. They have not been reviewed by others outside of DOT. The estimates could change after interagency review.

Risks: N/A.

Timetable:

Action	Date	FR Cite
NPRM	01/05/15	80 FR 326
NPRM Comment Period Extended.	02/17/15	80 FR 8250
NPRM Comment Period End.	04/06/15	
NPRM Extended Comment Period End.	05/08/15	
Final Rule	05/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, State.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Francine Shaw-Whitson, Department of Transportation, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8028, *Email:* *francine.shaw-whitson@dot.gov.*

RIN: 2125–AF53

DOT—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)

Proposed Rule Stage

94. +Carrier Safety Fitness Determination

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 31144; sec 4009 of TEA–21

CFR Citation: 49 CFR 385.

Legal Deadline: None.

Abstract: FMCSA proposes to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to adopt revised methodologies that would result in a safety fitness determination (SFD). The proposed methodologies would determine when a motor carrier is not fit to operate commercial motor vehicles (CMVs) in or affecting interstate commerce based on (1) the carrier's on-road safety performance in relation to five of the Agency's seven Behavioral Analysis and Safety Improvement Categories (BASICs); (2) an investigation; or (3) a combination of on-road safety data and investigation information. The intended effect of this action is to more effectively use FMCSA data and resources to identify unfit motor carriers and to remove them from the Nation's roadways.

Statement of Need: Because of the time and expense associated with the on-site compliance review, only a small fraction of carriers (approximately 7,000) receive a safety fitness determination each year. Since the current safety fitness determination process is based exclusively on the results of an on-site comprehensive compliance review, the great majority of carriers subject to FMCSA jurisdiction do not receive a timely determination of their safety fitness. The proposed methodology for determining motor carrier safety fitness should correct many of the deficiencies of the current process. In correcting these deficiencies, FMCSA has made a concerted effort to develop a ''transparent'' method for the Safety Fitness Determination (SFD) that would allow each motor carrier to understand fully how FMCSA established that carrier's specific SFD.

Summary of Legal Basis: This rule is based primarily on the authority of 49 U.S.C. 31144, which directs the Secretary of Transportation to ''determine whether an owner or operator is fit to operate a commercial motor vehicle'' and to ''maintain by regulation a procedure for determining the safety fitness of an owner or operator.'' This statute was first enacted as part of the Motor Carrier Safety Act of 1984, section 215, Public Law 98–554, 98 Stat. 2844 (Oct. 30, 1984). The proposed rule also relies on the provisions of 49 U.S.C. 31133, which gives the Secretary ''broad administrative powers to assist in the implementation'' of the provisions of the Motor Carrier Safety Act now found in chapter 311 of title 49, U.S.C. These powers include, among others, authority to conduct inspections and investigations, compile statistics, require production of records and property, prescribe recordkeeping and reporting requirements and to perform other acts considered appropriate. These powers are used to obtain the data used by the Safety Management System and by the proposed new methodology for safety fitness determinations. Under 49 CFR 1.87, the Secretary has delegated the authority to carry out the functions in subchapters I, III, and IV of chapter 311, title 49, U.S.C., to the FMCSA Administrator. Sections 31133 and 31144 are part of subchapter III of chapter 311.

Alternatives: The Agency has been considering two alternatives. Each alternative focuses on the carriers with the highest crash rates, and represent the best opportunity for the Agency to have an impact on safety with its limited resources. The number of proposed unfit determinations that would result and the Agency's capacity to manage this population was also an important consideration in both options. While the Agency can accommodate the number of investigations and on-road inspections resulting in proposed unfit determinations based on its current resources, the number of follow-up enforcement cases, compliance agreements, and oversight required from this population maximizes the capacity of the Agency's existing staff to administer the expected proposed and final unfit determinations.

Anticipated Cost and Benefits: The Agency is continuing to review the estimated costs and benefits of the proposed rule. Preliminary estimates indicate that annualized benefits may be in the range of $241 to $286 million and annualized costs within the range of $6 and $8 million.

Risks: A risk of incorrectly identifying a compliant carrier as not compliant and consequently subjecting the carrier to unnecessary expenses has been analyzed and has been found to be negligible under the process being proposed.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Organizations.

Government Levels Affected: None.

Additional Information: 0.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: David Miller, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5370, *Email: fmcsaregs@dot.gov.*

RIN: 2126–AB11

DOT—FMCSA

95. +Entry-Level Driver Training (Section 610 Review)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 31136

CFR Citation: 49 CFR 380; 49 CFR 383; 49 CFR 384.

Legal Deadline: None.

Abstract: FMCSA proposes to adopt new standards for mandatory training requirements for entry-level operators of commercial motor vehicles (CMVs) that are required to complete a skills test prior to obtaining a commercial driver's license (CDL). FMCSA is conducting a negotiated rulemaking (Reg-Neg) proceeding to implement the new entry-level driver training (ELDT) provisions in the Moving Ahead for Progress in the 21st Century Act (MAP–21) and other relevant laws. Therefore, FMCSA proposes to require persons applying for new or upgraded CDLs to complete classroom, range, and behind-the-wheel training from a training provider listed on a National Registry. Training modules for those individuals applying for a Hazardous Materials (HM), Passenger (P), or School Bus (S) Endorsement may also be proposed. This notice of proposed rulemaking would strengthen the Agency's ELDT requirements, which would enhance the safety of CMV operations on our Nation's highways.

Statement of Need: The Agency believes this rulemaking would enhance the safety of commercial motor vehicle (CMV) operations on our nation's highways by establishing a more extensive entry-level driver training (ELDT) protocol and by increasing the number of drivers who receive ELDT. It would revise the standards for mandatory training requirements for entry-level operators of CMVs in interstate and intrastate operations who are required to possess a commercial driver's license (CDL). FMCSA proposes new training standards for certain individuals applying for their initial CDL, an upgrade of their CDL (*e.g.,* a Class B CDL holder seeking a Class A CDL), or a hazardous materials, passenger, or school bus endorsement for their license.

Summary of Legal Basis: FMCSA's legal authority to propose this rulemaking is derived from the Motor Carrier Act of 1935, the Motor Carrier Safety Act of 1984, the Commercial Motor Vehicle Safety Act of 1986, and the Moving Ahead for Progress in the 21st Century Act.

Alternatives: The Agency has been considering several alternatives.

Anticipated Cost and Benefits: The Agency is continuing to review the estimated costs and benefits of the proposed rule.

Risks: A risk of a driver not receiving adequate training before applying for a CDL.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: None.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Sean Gallagher, MC–PRR, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590, *Phone:* 202 366–3740, *Email: sean.gallagher@dot.gov.*

Related *RIN:* Related to 2126–AB06

RIN: 2126–AB66

DOT—FMCSA

Final Rule Stage

96. +Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 31306

CFR Citation: 49 CFR 382.

Legal Deadline: Other, Statutory, October 1, 2014, clearinghouse required to be established by 10/01/2014.

Abstract: This rulemaking would create a central database for verified positive controlled substances and alcohol test results for commercial driver's license (CDL) holders and refusals by such drivers to submit to testing. This rulemaking would require employers of CDL holders and service agents to report positive test results and refusals to test into the Clearinghouse. Prospective employers, acting on an application for a CDL driver position with the applicant's written consent to access the Clearinghouse, would query the Clearinghouse to determine if any specific information about the driver applicant is in the Clearinghouse before allowing the applicant to be hired and to drive CMVs. This rulemaking is intended to increase highway safety by ensuring CDL holders, who have tested positive or have refused to submit to testing, have completed the U.S. DOT's return-to-duty process before driving CMVs in interstate or intrastate commerce. It is also intended to ensure that employers are meeting their drug and alcohol testing responsibilities. Additionally, provisions in this rulemaking would also be responsive to requirements of the Moving Ahead for Progress in the 21st Century (MAP–21) Act. MAP–21 requires creation of the Clearinghouse by 10/1/14.

Statement of Need: This rulemaking would improve the safety of the Nation's highways by ensuring that employers know when drivers test positive for drugs and/or alcohol and are not qualified to perform safety-sensitive functions. It would also ensure that drivers who have tested positive and have not completed the return to duty process are not driving and will ensure that they receive the required evaluation and treatment before resuming safety-sensitive functions.

Summary of Legal Basis: Section 32402 of the Moving Ahead for Progress in the 21st Century Act (MAP–21)) (Pub. L. 112–141, 126 stat. 405) directs the Secretary of Transportation to establish a national clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators. In addition, FMCSA has general authority to promulgate safety standards, including those governing drivers' use of drugs or alcohol while operating a CMV. The Motor Carrier Safety Act of 1984 Public Law 98–554 (the 1984 Act) provides authority to regulate drivers, motor carriers, and vehicle equipment and requires the Secretary of Transportation to prescribe minimum safety standards for CMVs. Including: (1) CMVs are maintained, equipped loaded, and operated safely; (2) the responsibilities imposed on CMV operators do not impair their ability to operate the vehicles safely; (3) the physical condition of CMV operators is adequate to enable them to operate the vehicles safely; and (4) CMV operation does not have a deleterious effect on physical condition of the operators; and (5) CMV drivers are not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a CMV in violation of regulations promulgated under (49 U.S.C. 31136(a)).

Alternatives: To be determined.

Anticipated Cost and Benefits: In the final rule the Agency estimated $230 million in annual benefits from increased crash reduction from the rule. This is against an estimated $174 million in total annual costs.

Risks: A risk of not knowing when a driver has not completed the ''return to duty'' process and enabling job-hopping within the industry.

Timetable:

Action	Date	FR Cite
NPRM	02/20/14	79 FR 9703
NPRM Comment Period End.	04/21/14	

Action	Date	FR Cite
NPRM Comment Period Extended End.	04/22/14	
NPRM Comment Period Extended.	04/22/14	79 FR 22467
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, Local, State, Tribal.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Additional Information: MAP–21 included provisions for a Drug and Alcohol Test Clearinghouse that affect this rulemaking.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Juan Moya, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–4844, *Email: juan.moya@dot.gov.*

RIN: 2126–AB18

DOT—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA)

Proposed Rule Stage

97. +Rear Seat Belt Reminder System

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 30101; delegation of authority at 49 CFR 1.95

CFR Citation: 49 CFR 571.208.

Legal Deadline: NPRM, Statutory, October 1, 2014, Initiate.

Final, Statutory, October 1, 2015, Final Rule.

Abstract: This rulemaking would amend Federal Motor Vehicle Safety Standard No. 208, occupant crash protection, to require automobile manufacturers to install a seat belt reminder system for the front passenger and rear designated seating positions in passenger vehicles. The seat belt reminder system is intended to increase belt usage and thereby improve the crash protection of vehicle occupants who would otherwise have been unbelted. This rulemaking would respond in part to a petition for rulemaking submitted by Public Citizen and Advocates for Highway and Auto Safety, as well as to requirements in MAP–21.

Statement of Need: Based on recent FARS data, there was an annual average of 1,695 rear-seat passenger vehicle occupants killed. Of these fatalities, 1,057 rear-seat occupants (62.4%) were known to be unrestrained. According to recent NASS–GES data, there was an annual average of 46,927 rear-seat occupants injured, of which 15,254 (32.5%) were unrestrained. These unrestrained occupants who were killed or injured represent the rear-seat occupant target population. There was an annual average of 3,846 front outboard passenger seat occupant fatalities in the FARS data. Of these fatalities, 1,799 occupants (46.8%) were unrestrained. In addition, according to NASS–GES data, there was an annual average of 67,948 injured occupants in front outboard seating positions in crashes. Of those front outboard seat occupants injured, 20,369 (30%) were unrestrained. These unrestrained occupants who were killed or injured in crashes represent the front outboard passenger seat occupant target population.

Summary of Legal Basis: MAP–21 required the Secretary to initiate a rulemaking proceeding to amend FMVSS No. 208 to provide a safety belt use warning system for designated seating positions in the rear seat. [1] It directed the Secretary to either issue a final rule, or, if the Secretary determined that such an amendment did not meet the requirements and considerations of 49 U.S.C. 30111, to submit a report to Congress describing the reasons for not prescribing such a standard.

Alternatives: The agency considered several alternatives, including (1) Low cost front outboard passenger system without occupant protection; (2) requiring a SBRS for the front center seat; (3) system hardening from inadvertent and intentional defeat; and (4) awarding points through NCAP for rear SBRSs.

Anticipated Cost and Benefits: The proposed rule would result in 43.7–65.4 equivalent lives saved (ELS) and 33.7–60.6 ELS at 3% and 7% discount rates, respectively. The estimated total cost range is $164.3 million to $324.6 million.

Note: These are preliminary agency estimates only. They have not been reviewed by others outside of DOT. The estimates could change after interagency review.

Risks: The agency believes there are no substantial risks to this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov.*

URL for Public Comments: *www.regulations.gov.*

Agency Contact: Carla Rush, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–4583, *Email:* *carla.cuentas@dot.gov.*

RIN: 2127–AL37

DOT—NHTSA

98. +Fuel Efficiency Standards for Medium- and Heavy-Duty Vehicles and Work Trucks: Phase 2

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 49 U.S.C. 32902(k)(2); delegation of authority at 49 CFR 1.95

CFR Citation: 49 CFR 523; 49 CFR 534; 49 CFR 535.

Legal Deadline: None.

Abstract: This rulemaking would address fuel efficiency standards for medium- and heavy-duty on-highway vehicles and work trucks for model years beyond 2018. This rulemaking would respond to requirements of the Energy Independence and Security Act of 2007 (EISA), title 1, subtitle A, sections 102 and 108, as they amend 49 U.S.C. 32902, which was signed into law December 19, 2007. The statute requires that NHTSA establish a medium- and heavy-duty on-highway vehicle and work truck fuel efficiency improvement program that achieves the maximum feasible improvement, including standards that are appropriate, cost-effective, and technologically feasible. The law requires that the new standards provide at least 4 full model years of regulatory lead-time and 3 full model years of regulatory stability (*i.e.,* the standards must remain in effect for 3 years before they may be amended). This action would follow the first ever Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles (''Phase 1'') (76 FR 57106, September 15, 2011). In June, 2013, the President's Climate Action Plan called for the Department of Transportation to develop fuel efficiency standards and

the Environmental Protection Agency to develop greenhouse gas emission standards in joint rulemaking within the President's second term. In February, 2014, the President directed DOT and EPA to complete the second phase of Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles during his second term.

Statement of Need: Setting fuel consumption standards for commercial medium-duty and heavy-duty on-highway vehicles and work trucks will reduce fuel consumption, and will thereby improve U.S. energy security by reducing dependence on foreign oil, which has been a national objective since the first oil price shocks in the 1970s. Transportation accounts for about 70 percent of U.S. petroleum consumption, and medium- and heavy-duty vehicles currently account for about 20 percent of oil use in the U.S. transportation sector. Net petroleum imports now account for approximately 30 percent of U.S. petroleum consumption. World crude oil production is highly concentrated, exacerbating the risks of supply disruptions and price shocks. Therefore, setting fuel consumption standards for commercial medium-duty and heavy-duty on-highway vehicles and work trucks will reduce fuel consumption and improve U.S. energy security. In June, 2013, the President's Climate Action Plan called for the Department of Transportation to develop fuel efficiency standards and the Environmental Protection Agency to develop greenhouse gas emission standards in joint rulemaking within the President's second term.

Summary of Legal Basis: This rulemaking would respond to requirements of the Energy Independence and Security Act of 2007 (EISA), title 1, subtitle A, sections 102 and 108, as they amend 49 U.S.C. 32902, which was signed into law December 19, 2007. These sections authorize the creation of a fuel efficiency improvement program, designed to achieve the maximum feasible improvement for commercial medium- and heavy-duty on-highway vehicles and work trucks, that includes appropriate test methods, measurement metrics, standards, and compliance and enforcement protocols that are appropriate, cost-effective and technologically feasible.

Alternatives: In the proposal, NHTSA evaluated five alternatives for semi tractors and trailers, heavy-duty pickup trucks and work vans, vocational vehicles, and separate standards for heavy-duty engines. Alternative 1 is a no-action alternative that serves as the baseline for the cost and benefit analyses; Alternative 2 would increase standards beyond model year 2018 levels in model years 2018 to 2024 or 2025; Alternative 3, the Preferred Alternative, would set more stringent standards than Alternative 2 in model years 2018 to 2027; Alternative 4 approximately achieves the same stringency as Alternative 3 in fewer model years (2018 to 2024 or 2025); and Alternative 5 includes the most stringent of the alternative standards in model years 2018 to 2024 or 2025.

Anticipated Cost and Benefits: The estimated total costs for the preferred alternative over the lifetimes of model year 2018 to 2029 vehicles are $30.5 billion to $31.1 billion, and estimated total benefits are $261 billion to $276 billion (3% discount rate).

Risks: The agency believes there are no substantial risks to this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	07/13/15	80 FR 40137
NPRM: Notice of Public Hearings and Extension of Comment Period.	07/28/15	80 FR 44863
NPRM: Comment Period Extended.	09/08/15	80 FR 53756
NPRM: Extended Comment Period End.	09/17/15	
NPRM: Extended Comment Period End.	10/01/15	
Analyzing Comments.	11/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: James Tamm, Fuel Economy Division Chief, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 493–0515, *Email: james.tamm@dot.gov.*

RIN: 2127–AL52

DOT—FEDERAL TRANSIT ADMINISTRATION (FTA)

Proposed Rule Stage

99. +Transit Asset Management

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 5326(d)

CFR Citation: Not Yet Determined.

Legal Deadline: Other, Statutory, October 1, 2013, Secretary must issue rule to implement the Transit Asset Management System by October 1, 2013.

Abstract: This ANPRM has been consolidated with the ANPRM for the National and Public Transportation Agency Safety Plans. See 2132–AB20. This rule will establish a system for Transit Asset Management (TAM) for all operators of public transportation, for all modes of transportation throughout the United States. This national system will be based on the term ''State of Good Repair,'' to be developed through rulemaking, which will generate accurate data about the condition of the transit agencies' assets, and performance measures for improving the conditions of those assets.

Statement of Need: In its most recent biennial Conditions and Performance Report, FTA estimated that the nation's transit state of good repair backlog is $86 billion and growing. It is the goal of the FTA to help bring the nation's public transportation capital assets into a state of good repair. To attain this goal, this NPRM establishes the National Transit Asset Management (TAM) System, that includes: The definition of state of good repair; requirements for Transit Asset Management Plans based on inventories of transit providers' facilities, equipment, rolling stock, and infrastructure, their assessments of the condition of those assets, and a prioritization of projects to meet state of good repair targets; requirements for reporting to the National Transit Database; an analytical process and decision support tool to assist transit provider in estimating their capital investment needs and prioritizing investments; and technical assistance from FTA. Also, this NPRM establishes performance measures for classes of assets and requirements for transit provider's to set performance targets for assets based on the performance measures. In addition, the National Transit Asset Management System complements the needs-based, formula program of Federal financial assistance for State of Good Repair administered under 49 U.S.C. 5337. The National TAM System is designed to foster informed decision-making on the needs for repair, rehabilitation, and

replacement of capital assets used or available for use in public transportation, based on accurate and comprehensive data and information about the condition of those assets. In concert with the planning requirements at 49 U.S.C. 5303 and 5304, and the regulations there under, FTA expects States, transit providers, and metropolitan planning organizations to allocate available Federal, State and local funding towards those capital assets most in need of recapitalization.

Summary of Legal Basis: 49 U.S.C. 5326.

Alternatives: MAP–21 requires the Department to issue this regulation. This NPRM will set forth FTA's rulemaking goals, soliciting comments on alternatives to regulation, such circulars and guidance.

Anticipated Cost and Benefits: The costs of this rulemaking are unknown, as the prospective shape and direction of the regulatory obligations are undetermined.

Risks: Regulated parties could raise the traditional concerns about unfunded Federal mandates and lack of transparency. But, the costs of developing a TAM Plan are eligible for reimbursement under the section 5307, 5311, and 5337 program.

Timetable:

Action	Date	FR Cite
ANPRM	10/03/13	78 FR 61251
ANPRM Comment Period End.	01/02/14	
NPRM	09/30/15	80 FR 58912
NPRM Comment Period End.	11/30/15	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Governmental Jurisdictions.

Government Levels Affected: Undetermined.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Bonnie Graves, Attorney Advisor, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–0644, *Email:* *bonnie.graves@dot.gov*.

Related RIN: Merged with 2132–AB20

RIN: 2132–AB07

DOT—FTA

100. +Public Transportation Agency Safety Plans

Priority: Other Significant.

Legal Authority: 49 U.S.C. 5329(c)

CFR Citation: 49 CFR 673.

Legal Deadline: None.

Abstract: This rulemaking would establish requirements for States or recipients to develop and implement individual agency safety plans. The requirements of this rulemaking will be based on the principles and concepts of Safety Management Systems (SMS). SMS is the formal, top-down, organization-wide approach to managing safety risks and assuring the effectiveness of a transit agency's safety risk controls. SMS includes systematic procedures, practices, and policies for managing hazards and risks.

Statement of Need: The public transportation industry remains among the safest surface transportation modes in terms of total reported safety events, fatalities, and injuries. The National Safety Council (NSC) reports that, in most locations around the nation, passengers on public transportation vehicles are 40 to 70 times less likely to experience an accident than drivers and passengers in private automobiles. Nonetheless, given the complexity of public transportation service, the condition and performance of transit equipment and facilities, turnover in the transit workforce, and the quality of procedures, training, and supervision, the public transportation industry remains vulnerable to catastrophic accidents. This Notice of Proposed Rulemaking (NPRM) proposes a minimal set of requirements for Public Transportation Agency Safety Plans that would carry out the several explicit statutory mandates in the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141; July 6, 2012) (MAP–21), now codified at 49 U.S.C. 5329(d), to strengthen the safety of public transportation systems that receive Federal financial assistance under chapter 53. This NPRM proposes requirements for the adoption of Safety Management Systems (SMS) principles and methods; the development, certification, and update of Public Transportation Agency Safety Plans; and the coordination of Public Transportation Agency Safety Plan elements with other FTA programs and proposed rules, as specified in MAP–21.

Summary of Legal Basis: 49 U.S.C. 5329(d).

Alternatives: MAP–21 requires the Department to issue this regulation. The NPRM will set forth FTA's proposals for implementing the requirement for Public Transportation Safety Plans and solicit comments on alternatives to both the proposals therein and to regulation.

Anticipated Cost and Benefits: FTA has determined that this is an ''economically significant'' rule under Executive Order 12866, as it would cost approximately $111 million in the first year, and $90 million per year thereafter. The average annual cost over a 20-year horizon period is $92 million. The benefits of the proposed rule are estimated at $775 million per year over the 20-year horizon period.

Risks: The NPRM is merely a proposal for public comment, and would not impose any binding obligations. However, given that the safety program is new, there will likely be significant interest in any action FTA takes to implement the requirements of the program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: Candace Key, Department of Transportation, Federal Transit Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–4011, *Email:* *candace.key@dot.gov*.

Related RIN: Split from 2132–AB20, Related to 2132–AB22

RIN: 2132–AB23

DOT—PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)

Proposed Rule Stage

101. +Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines

Priority: Other Significant.

Legal Authority: 49 U.S.C. 60101 *et seq.*

CFR Citation: 49 CFR 195.

Legal Deadline: None.

Abstract: This rulemaking would address effective procedures that hazardous liquid operators can use to improve the protection of High Consequence Areas (HCA) and other vulnerable areas along their hazardous liquid onshore pipelines. PHMSA is considering whether changes are needed to the regulations covering hazardous liquid onshore pipelines, whether other areas should be included as HCAs for integrity management (IM) protections, what the repair time frames should be for areas outside the HCAs that are

assessed as part of the IM program, whether leak detection standards are necessary, valve spacing requirements are needed on new construction or existing pipelines, and PHMSA should extend regulation to certain pipelines currently exempt from regulation. The agency would also address the public safety and environmental aspects any new requirements, as well as the cost implications and regulatory burden.

Statement of Need: PHMSA is proposing to make the following changes to the hazardous liquid pipeline safety regulations: (1) Repeal the exception for gravity lines; (2) Extend certain reporting requirements to all hazardous liquid gathering lines; (3) Require inspections of pipelines in areas affected by extreme weather, natural disasters, and other similar events; (4) Require periodic assessments of pipelines that are not already covered under the integrity management (IM) program requirements; (5) Expand the use of leak detection systems on hazardous liquid pipelines to mitigate the effects of failures that occur outside of high consequence areas; (6) Modify the IM repair criteria, both by expanding the list of conditions that require immediate remediation and consolidating the timeframes for remediating all other conditions, and apply those same criteria to pipelines that are not subject to the IM requirements, with an adjusted schedule for performing non-immediate repairs; and, (7) Increase the use of inline inspection tools by requiring that any pipeline that could affect a high consequence area be capable of accommodating these devices within 20 years, unless its basic construction will not permit that accommodation. (8) Other regulations will also be clarified to improve compliance and enforcement. These changes will protect the public, property, and the environment by ensuring that additional pipelines are subject to regulation, increasing the detection and remediation of unsafe conditions, and mitigating the adverse effects of pipeline failures. This rule responds to a congressional mandate in the 2011 Pipeline Reauthorization Act (sections 5, 8, 21, 29, 14); NTSB recommendation P–12–03 and P–12–04; and GAO recommendation 12–388.

Summary of Legal Basis: Congress established the current framework for regulating the safety of hazardous liquid pipelines in the Hazardous Liquid Pipeline Safety Act (HLPSA) of 1979 (Pub. L. 96–129). Like its predecessor, the Natural Gas Pipeline Safety Act of 1968 (Pub. L. 90–481), the HLPSA provided the Secretary of Transportation (Secretary) with the authority to prescribe minimum Federal safety standards for hazardous liquid pipeline facilities. That authority, as amended in subsequent reauthorizations, is currently codified in the Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*).

Alternatives: The various alternatives analyzed included no action ''status quo'' and individualized alternatives based on the proposed amendments.

Anticipated Cost and Benefits: PHMSA cannot estimate costs or benefits precisely, but based on the information, the present value of costs and benefits over a 20-year period is approximately $56 million and $98 million, respectively at 7 percent. Thus, net benefits are approximately $46 million ($102 million-$56 million) over 20 years.

Risks: The proposed rule will provide increased safety for the regulated entities and reduce pipeline safety risks.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/10	75 FR 63774
ANPRM Comment Period End.	01/18/11	
ANPRM Comment Period Extended.	01/04/11	76 FR 303
ANPRM Extended Comment Period End.	02/18/11	
NPRM	10/13/15	80 FR 61609
NPRM Comment Period End.	01/08/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

URL for More Information: *www.regulations.gov*.

URL for Public Comments: *www.regulations.gov*.

Agency Contact: John Gale, Director Standards and Rulemaking, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–0434, *Email: john.gale@dot.gov*.

RIN: 2137–AE66

DOT—PHMSA

102. +Pipeline Safety: Gas Transmission

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 49 U.S.C. 60101 *et seq.*

CFR Citation: 49 CFR 192.

Legal Deadline: None.

Abstract: In this rulemaking, PHMSA will be revisiting the requirements in the Pipeline Safety Regulations addressing integrity management principles for Gas Transmission pipelines. In particular, PHMSA will address: repair criteria for both HCA and non-HCA areas, assessment methods, validating and integrating pipeline data, risk assessments, knowledge gained through the IM program, corrosion control, management of change, gathering lines, and safety features on launchers and receivers.

Statement of Need: PHMSA will be reviewing the definition of an HCA (including the concept of a potential impact radius), the repair criteria for both HCA and non-HCA areas, requiring the use of automatic and remote controlled shut off valves, valve spacing, and whether applying the integrity management program requirements to additional areas would mitigate the need for class location requirements. This rulemaking is in direct response to Congressional mandates in the 2011 Pipeline reauthorization act, specifically; section 4 (e) Gas IM plus 6 months), section 5(IM), 8 (leak detection), 23 (b)(2)(exceedance of MAOP); section 29 (seismicity).

Summary of Legal Basis: Congress has authorized Federal regulation of the transportation of gas by pipeline under the Commerce Clause of the U.S. Constitution. Authorization is codified in the Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*), a series of statutes that are administered by the DOT, PHMSA. PHMSA has used that authority to promulgate comprehensive minimum safety standards for the transportation of gas by pipeline.

Alternatives: Alternative analyzed included no change and extension of the compliance deadlines associated with the major cost of the requirement area; namely, development and implementation of management of change processes that apply to all gas transmission pipelines beyond that which already applies to beyond IMP- and control center-related processes.

Anticipated Cost and Benefits: PHMSA does not expect the proposed rule to adversely affect the economy or any sector of the economy in terms of productivity and employment, the environment, public health, safety, or State, local, or tribal government. PHMSA has also determined, as required by the Regulatory Flexibility Act, that the rule would not have a significant economic impact on a substantial number of small entities in the United States. Additionally, PHMSA

determined that the rule would not impose annual expenditures on State, local, or tribal governments in excess of $138 million, and thus does not require an Unfunded Mandates Reform Act analysis. However, the rule would impose annual expenditure on private sector in excess of $138 million. Here is a summary of the costs and benefits: Present Values Calculated at 3 Percent Discount for Gas rule Avg Annual Cost Estimate: $138.3 Million/year. Avg Annual Benefit Estimate: $204.53 Million/year Avg Annual Net Benefit Estimate: $68.60 Million/year.

Risks: This proposed rule will strengthen current pipeline regulations and lower the safety risk of all regulated entities.

Timetable:

Action	Date	FR Cite
ANPRM	08/25/11	76 FR 53086
ANPRM Comment Period Extended.	11/16/11	76 FR 70953
ANPRM Comment Period End.	12/02/11	
End of Extended Comment Period.	01/20/12	
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: SB–Y IC–N SLT–N.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8553, *Email: cameron.satterthwaite@dot.gov.*

RIN: 2137–AE72

DOT—PHMSA

103. +Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains

Priority: Other Significant.

Legal Authority: 49 U.S.C. 5101 *et seq.*

CFR Citation: 49 CFR 130; 49 CFR 174.

Legal Deadline: None.

Abstract: In this rulemaking, PHMSA is seeking comment on revisions to the Hazardous Materials Regulations (HMR) applicable to the transportation of oil by rail. Currently, the majority of the rail community transporting oil, including crude oil transported as a hazardous material, is subject to the basic oil spill response plan requirement of 49 CFR 130.31(a) based on the understanding that most rail tank cars being used to transport crude oil have a capacity greater than 3,500 gallons. However, a comprehensive response plan for the shipment of oil is only required when the oil is in a quantity greater than 42,000 gallons per package. Tank cars of this size are not used to transport oil by rail. As a result, the railroads do not file a comprehensive oil response plan. Based on this difference and the recent occurrence of high-profile accidents involving crude oil, the National Transportation Safety Board (NTSB) has recommended in Safety Recommendation R–14–5 that the Department and PHMSA reconsider the threshold quantity for requiring the development of a comprehensive response plan for the shipment of oil. In response to the NTSB Safety Recommendation R–14–5 and significant interest from congressional stakeholders, environmental groups, and the general public, PHMSA is seeking specific comment on revisions to the oil spill response plan requirements in 49 CFR part 130, including threshold quantities.

Statement of Need: This rulemaking is important to mitigate the effects of potential train accidents involving the release of flammable liquid energy products by increasing planning and preparedness. The proposals in this rulemaking are shaped by public comments, National Transportation Safety Board (NTSB) Safety Recommendations, analysis of recent accidents, and input from stakeholder outreach efforts (including first responders). To this end, PHMSA will consider expanding the applicability of comprehensive oil spill response plans; clarifying the requirements for comprehensive oil spill response plans; requiring railroads to share additional information; and providing an alternative test method for determining the initial boiling point of a flammable liquid.

Summary of Legal Basis: The authority of 49 U.S.C. 5103(b), which authorizes the Secretary of Transportation to ''prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce.'' The authority of 33 U.S.C. 1321, the Federal Water Pollution Control Act (FWPCA), which directs the President to issue regulations requiring owners and operators of certain vessels and onshore and offshore oil facilities to develop, submit, update and in some cases obtain approval of oil spill response plans. Executive Order 12777 delegated responsibility to the Secretary of Transportation for certain transportation-related facilities. The Secretary of Transportation delegated the authority to promulgate regulations to PHMSA and provides FRA the approval authority for railroad ORSPs.

Alternatives: PHMSA and FRA are committed to a comprehensive approach to addressing the risk and consequences of derailments involving flammable liquids by addressing not only oil spill response plans, but communication requirements between railroads and communities. Obtaining information and comments in a NPRM will provide the greatest opportunity for public participation in the development of regulatory amendments, and promote greater exchange of information and perspectives among the various stakeholders to promote future regulatory action on these issues.

Anticipated Cost and Benefits: The NPRM will request comments on both the path forward and the economic impacts. We will evaluate comments prior to developing the final rule, and once the final rule is drafted the costs and benefits will be detailed.

Risks: DOT analyzed recent incidents, National Transportation Safety Board (NTSB) Safety Recommendations, received input from stakeholder outreach efforts (including first responders) to determine amending the applicability and requirements of comprehensive oil spill response plans and codifying requirements for information sharing is important. DOT will continue to research these topics and evaluate comment feedback prior to the final rule. DOT expects the highest ranked options will be low cost and most effective at providing better preparedness and planning to mitigate the effects of a derailment.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/14	79 FR 45079
ANPRM Comment Period End.	09/30/14	
NPRM	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: HM–251B; SB–N, IC–N, SLT–N.

URL for More Information: www.regulations.gov.

URL for Public Comments: www.regulations.gov.

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DEPARTMENT OF THE TREASURY

Statement of Regulatory Priorities

The primary missions of the Department of the Treasury are:

- To promote prosperous and stable American and world economies, including promoting domestic economic growth and maintaining our Nation's leadership in global economic issues, supervising national banks and thrift institutions, and helping to bring residents of distressed communities into the economic mainstream.
- To manage the Government's finances by protecting the revenue and collecting the correct amount of revenue under the Internal Revenue Code, overseeing customs revenue functions, financing the Federal Government and managing its fiscal operations, and producing our Nation's coins and currency.
- To safeguard the U.S. and international financial systems from those who would use these systems for illegal purposes or to compromise U.S. national security interests, while keeping them free and open to legitimate users.

Consistent with these missions, most regulations of the Department and its constituent bureaus are promulgated to interpret and implement the laws as enacted by the Congress and signed by the President. It is the policy of the Department to comply with applicable requirements to issue a notice of proposed rulemaking and carefully consider public comments before adopting a final rule. Also, the Department invites interested parties to submit views on rulemaking projects while a proposed rule is being developed.

To the extent permitted by law, it is the policy of the Department to adhere to the regulatory philosophy and principles set forth in Executive Orders 12866, 13563, and 13609 and to develop regulations that maximize aggregate net benefits to society while minimizing the economic and paperwork burdens imposed on persons and businesses subject to those regulations.

Alcohol and Tobacco Tax and Trade Bureau

The Alcohol and Tobacco Tax and Trade Bureau (TTB) issues regulations to implement and enforce the Federal laws relating to alcohol, tobacco, firearms, and ammunition excise taxes and certain non-tax laws relating to alcohol. TTB's mission and regulations are designed to:

(1) Collect the taxes on alcohol, tobacco, firearms, and ammunition;

(2) protect the consumer by ensuring the integrity of alcohol products; and

(3) prevent unfair and unlawful market activity for alcohol and tobacco products.

In the last several years, TTB has identified changes in the industries it regulates, as well as new technologies available in compliance enforcement. In response, TTB has focused on revising its regulations to ensure that it accomplishes its mission in a way that facilitates industry growth and reduces burdens where possible, while at the same time collecting the revenue and protecting consumers from deceptive labeling and advertising of alcohol beverages. This modernization effort resulted in the publishing of two key rulemakings that took effect in FY 2014–15 that reduced burden on TTB-regulated industry members.

On March 27, 2014, TTB published a final rule (79 FR 17029) amending its regulations in 27 CFR part 73 regarding the electronic submission of forms and other documents. Among other things, this rule provided for the electronic submission to TTB of forms requiring third-party signatures, such as bond forms and powers of attorney. It also provided that any requirement in the TTB regulations to submit a document to another agency may be met by the electronic submission of the document to the other agency, as long as the other agency provides for, and authorizes, the electronic submission of such document.

On September 30, 2014, TTB published a final rule (79 FR 58674) that reduced the compliance burden for the beer industry. This rule reduced the penal sum of the bond required for certain small brewers to a flat $1,000, which applies to brewers whose excise tax liability is reasonably expected to be not more than $50,000 in a given calendar year and who were liable for not more than $50,000 in such taxes in the preceding calendar year. Additionally, TTB adopted as a final rule its prior proposal to provide that those brewers must file Federal excise tax returns, pay tax, and submit reports of operations less frequently, that is every quarter rather than twice monthly.

As part of this rulemaking, TTB also made a number of changes to the forms brewers use to report on their operations. The two versions of the Brewer's Report of Operations forms (TTB F 5130.9 and TTB F 5130.26) were streamlined based on feedback from the industry. These changes included removing two separate parts, adding clarifying instructions, and revising TTB F 5130.26 (previously for brewpub reporting only) to be an ''EZ'' reporting option for small brewers to facilitate the new quarterly reporting mandate. TTB released the new versions of the reports in the second quarter of FY 2015. This combination of regulatory amendments and form changes have reduced regulatory burdens and administrative costs for small brewers and created administrative efficiencies for TTB.

In FY 2016, TTB will continue its multi-year Regulations Modernization effort by prioritizing projects that will update its Import and Export regulations, Labeling Requirements regulations, Specially Denatured and Completely Denatured Alcohol regulations, Nonbeverage Products regulations, Distilled Spirits Plant Reporting requirements, and Civil Monetary Penalty for Violations of the Alcohol Beverage Labeling Act regulation.

This fiscal year TTB plans to give priority to the following regulatory matters:

Revisions to Export and Import Regulations Related to the International Trade Data System. TTB is currently preparing for the implementation of the International Trade Data System (ITDS) and, specifically, the transition to an all-electronic import and export environment. The ITDS, as described in section 405 of the Security and Accountability for Every Port Act of 2006 (the ''SAFE Port Act'') (Public Law 109–347), is an electronic information exchange capability, or ''single window,'' through which businesses will transmit data required by participating Federal agencies for the importation or exportation of cargo. To enhance Federal coordination associated with the development of the ITDS and put in place specific deadlines for implementation, President Obama, on February 19, 2014, signed an Executive Order on Streamlining the Export/Import Process for America's Businesses. In line with section 3(e) of the Executive Order, TTB was required to develop a timeline for ITDS implementation. Updating the regulations for transition to the all-

electronic environment is part of the implementation process.

TTB has completed its review of the relevant regulatory requirements and identified those that it intends to update to address an all-electronic environment. As noted above, TTB regulations in 27 CFR part 73 have already been amended to remove regulatory barriers to the electronic submission of TTB-required documents to another agency. In FY 2016, TTB intends to publish a notice of proposed rulemaking to propose changes to TTB regulatory sections that address the submission of information or documentation at importation, and to update and streamline TTB regulatory processes for importations and make clear the circumstances in which the submission of certain data elements replaces the submission of paper documents. Specifically, TTB will propose that data from certain forms (*e.g.,* the TTB F 5100.31 (Application for and Certification/Exemption of Label/Bottle Approval)) may be submitted electronically at importation through the ''single window'' in lieu of the submission of the paper documents to U.S. Customs and Border Protection personnel. TTB also reviewed existing requirements and processes to determine how the all-electronic environment can be used to reduce burden. For example, many regulatory provisions in TTB's import and export regulations require forms to be submitted in triplicate or quadruplicate, and the availability of the relevant data electronically makes such multiple submissions unnecessary. The amendments to the regulations that TTB will propose to implement ITDS for imports will facilitate legitimate trade and allow enforcement resources to be focused on identifying noncompliance.

On August 7, 2015, TTB published a notice (80 FR 47558) announcing a pilot program for importers who want to gain experience with the ITDS ''single window'' functionality for providing data on the TTB-regulated commodities. This pilot program will help familiarize both TTB and the public with the new environment and assist TTB and the public to refine the implementation of ITDS. TTB is planning to publish rulemaking on its import and export regulations in FY 2016, and the pilot program will provide valuable information for this undertaking.

In addition, in recent years, TTB has identified selected sections of its export regulations (27 CFR parts 28 and 44) that it intends to amend to clarify and update the requirements. Under the Internal Revenue Code of 1986 (IRC), the products taxed by TTB may be removed for exportation without payment of tax or with drawback of any excise tax previously paid, subject to the submission of proof of export. However, the current export regulations require industry members to obtain documents and follow procedures that do not reflect current technology or take into account current industry business practices. The notice of proposed rulemaking that TTB will publish to implement ITDS for exports will include proposals to amend the regulations to provide industry members with clear and updated procedures for removal of alcohol and tobacco products for exportation, thus facilitating exportation of those products. Increasing U.S. exports benefits the U.S. economy and is consistent with Treasury and Administration priorities.

Revisions to the Labeling Requirements (Parts 4 (Wine), 5 (Distilled Spirits), and 7 (Malt Beverages)). The Federal Alcohol Administration Act requires that alcohol beverages introduced in interstate commerce have a label issued and approved under regulations prescribed by the Secretary of the Treasury. In accordance with the mandate of Executive Order 13563 of January 18, 2011, regarding improving regulation and regulatory review, TTB conducted an analysis of its labeling regulations to identify any that might be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with that analysis. These regulations were also reviewed to assess their applicability to the modern alcohol beverage marketplace. As a result of this review, TTB plans to propose in FY 2016 revisions to modernize the regulations concerning the labeling requirements for wine, distilled spirits, and malt beverages. TTB anticipates that these regulatory changes will assist industry in voluntarily complying with these requirements for the over 160,000 label applications that are projected to be submitted in FY 2016, which will decrease industry burden associated with the label approval requirement and result in the regulated industries being able to bring products to market without undue delay.

Revisions to Specially Denatured and Completely Denatured Alcohol Regulations. TTB proposed changes to regulations for specially denatured alcohol (SDA) and completely denatured alcohol (CDA) that will provide a reduction in regulatory burden while posing no risk to the revenue.

Under the authority of the IRC, TTB regulates denatured alcohol that is unfit for beverage use, which may be removed from a regulated distilled spirits plant free of tax. SDA and CDA are widely used in the American fuel, medical, and manufacturing sectors. The industrial alcohol industry far exceeds the beverage alcohol industry in size and scope, and it is a rapidly growing industry in the United States. Some concerns have been raised that the current regulations may create significant roadblocks for industry members in getting products to the marketplace quickly and efficiently. To help alleviate these concerns, TTB published a notice of proposed rulemaking (78 FR 38628) and, in FY 2016, plans to issue a final rule that will reclassify certain SDA formulas as CDA and issue new general-use formulas for articles made with SDA.

TTB estimates that these changes will result in an 80 percent reduction in the formula approval submissions currently required from industry members. The reduction in formula submissions will enable TTB to redirect its resources to address backlogs that exist in other areas of TTB's mission activities, such as analyses of compliance samples for industrial/fuel alcohol to protect the revenue and working with industry to test and approve new and more environmentally friendly denaturants. Additionally, the reclassification of certain SDA formulas as CDA formulas will not jeopardize the revenue because it is more difficult to separate potable alcohol from CDA than it is from SDA, and CDA is less likely to be used for beverage purposes due to its taste. Similarly, authorizing new general-use formulas will not jeopardize the revenue because it will be difficult to remove potable alcohol from articles made with the specific SDA formulations. Other changes made by this final rule will remove unnecessary regulatory burdens and update the regulations to align them with current industry practice.

Revision of the Part 17 Regulations, Drawback on Taxpaid Distilled Spirits Used in Manufacturing Nonbeverage Products, to Allow Self-Certification of Nonbeverage Product Formulas. TTB is considering revisions to the regulations in 27 CFR part 17 governing nonbeverage products made with taxpaid distilled spirits. These nonbeverage products include foods, medicines, and flavors. This proposal, which TTB intends to publish in FY 2016, offers a new method of formula certification by incorporating quantitative standards into the regulations and establishing new voluntary procedures that would further

streamline the formula review process for products that meet the standards. This proposal provides adequate protection to the revenue because TTB will continue to receive submissions of certified formulas; however, TTB will not take action on certified formula submissions unless TTB discovers that the formulas require correction. By allowing for self-certification of certain nonbeverage product formulas, this proposal would nearly eliminate the need for TTB to formally approve all such formulas. These changes would result in significant cost savings for the nonbeverage alcohol industry, which currently must obtain formula approval from TTB, and some savings for TTB, which must review and take action to approve or disapprove each formula.

Revisions to Distilled Spirits Plant Reporting Requirements. In FY 2012, TTB published a notice of proposed rulemaking (NPRM) proposing to revise regulations in 27 CFR part 19 to replace the current four report forms used by distilled spirits plants to report their operations on a monthly basis with two new report forms that would be submitted on a monthly basis. (Plants that file taxes on a quarterly basis would submit the new reports on a quarterly basis.) This project will address numerous concerns and desires for improved reporting by the distilled spirits industry and result in cost savings to industry and TTB by significantly reducing the number of monthly plant operations reports that must be completed and filed by industry members and processed by TTB. TTB preliminarily estimates that this project will result in a reduction of paperwork burden hours for industry members, as well as savings in processing hours and contractor time for TTB. In addition, TTB estimates that this project will result in additional savings in staff time based on the more efficient and effective processing of reports and the use of report data to reconcile industry member tax accounts. In FY 2016, TTB intends to publish a Supplemental NPRM that will include new proposals to address comments received in response to the initial NPRM.

Inflation Adjustment to the Civil Monetary Penalty for Violations of the Alcohol Beverage Labeling Act. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires Federal agencies to adjust certain civil monetary penalties for inflation according to a formula set out in the statute. In FY 2016, TTB plans to publish a final rule increasing the maximum penalty for violations of the Alcohol Beverage Labeling Act from $11,000 (the level at which it was set following the first inflation adjustment in 1996) to $16,000. The increased maximum penalty will help maintain the deterrent effect of the penalty.

Community Development Financial Institutions Fund

The Community Development Financial Institutions Fund (CDFI Fund) was established by the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 *et seq.*). The mission of the CDFI Fund is to increase economic opportunity and promote community development investments for underserved populations and in distressed communities in the United States. The CDFI Fund currently administers the following programs: The Community Development Financial Institutions (CDFI) Program, the Bank Enterprise Award (BEA) Program, the Native American CDFI Assistance (NACA) Program, the New Markets Tax Credit (NMTC) Program, the Financial Education and Counseling Pilot Program (FEC), the Capital Magnet Fund (CMF), and the CDFI Bond Guarantee Program (BGP).

In FY 2016, the CDFI Fund will publish updated regulations for its Capital Magnet Fund (CMF) to incorporate the requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200) and make other policy updates.

Customs Revenue Functions

The Homeland Security Act of 2002 (the Act) provides that, although many functions of the former United States Customs Service were transferred to the Department of Homeland Security, the Secretary of the Treasury retains sole legal authority over customs revenue functions. The Act also authorizes the Secretary of the Treasury to delegate any of the retained authority over customs revenue functions to the Secretary of Homeland Security. By Treasury Department Order No. 100–16, the Secretary of the Treasury delegated to the Secretary of Homeland Security authority to promulgate regulations pertaining to the customs revenue functions subject to certain exceptions. This Order further provided that the Secretary of the Treasury retained the sole authority to approve such regulations.

During the past fiscal year, among the customs-revenue function regulations issued were the United States-Australia Free Trade Agreement interim final rule, the Documentation Related to Goods Imported from U.S. Insular Possessions final rule, Technical Corrections to the North American Free Trade Agreement Uniform Regulations final rule, and Liberalization of Certain Documentary Evidence Required As Proof of Exportation on Drawback Claims final rule. On February 10, 2015, U.S. Customs and Border Protection published the United States-Australia Free Trade Agreement interim final rule (80 FR 7303) to the CBP regulations, which implemented the preferential tariff treatment and other customs-related provisions of the United States-Australia Free Trade Agreement Implementation Act. In addition, on May 11, 2015, CBP and Treasury issued a final rule (80 FR 26828) titled ''Technical Corrections to the North American Free Trade Agreement Uniform Regulations'' which amended CBP regulations implementing conforming changes of the preferential tariff treatment and other customs-related provisions of the North American Free Trade Agreement (NAFTA) entered into by the United States, Canada, and Mexico. On August 7, 2015, CBP issued a final rule (80 FR 47405) titled ''Liberalization of Certain Documentary Evidence Required As Proof of Exportation on Drawback Claims'' which amended CBP regulations by removing some of the requirements for documentation used to establish proof of exportation for drawback claims.

This past fiscal year, consistent with the goals of Executive Orders 12866 and 13563, Treasury and CBP issued a final rule titled ''Documentation Related to Goods Imported From U.S. Insular Possessions'' on February 11, 2015 (80 FR 7537), that amended CBP regulations to eliminate the requirement that a customs officer at the port of export verify and sign CBP Form 3229, Certificate of Origin for U.S. Insular Possessions, and to require instead that the importer present this form, upon CBP's request, rather than submit it with each entry as the current regulations require. The amendments streamline the entry process by making it more efficient as it would reduce the overall administrative burden on both the trade and CBP. If the importer does not maintain CBP Form 3229 in its possession, the importer may be subject to a recordkeeping penalty.

Treasury and CBP are currently working towards the implementation of the International Trade Data System (ITDS). The ITDS, as described in section 405 of the Security and Accountability for Every Port Act of 2006 (the ''SAFE Port Act'') (Public Law 109–347), is an electronic information

exchange capability, or ''Single Window,'' through which businesses will transmit data required by participating agencies for the importation or exportation of cargo. To enhance Federal coordination associated with the development of the ITDS, Treasury and CBP plan to issue an interim regulation which will to reflect that on November 1, 2015, the Automated Commercial Environment (ACE) is a CBP-authorized Electronic Data Interchange (EDI) System. This regulatory document informs the public that the Automated Commercial System (ACS) is being phased out as a CBP-authorized EDI System for the processing electronic entry and entry summary filings (also known as entry filings). In the future when there is full functionality, ACE will replace the Automated Commercial System (ACS) as the CBP-authorized EDI system for processing commercial trade data.

During fiscal year 2016, CBP and Treasury also plan to give priority to the following regulatory matters involving the customs revenue functions:

Disclosure of Information for Certain Intellectual Property Rights Enforced at the Border. Treasury and CBP plan to finalize interim amendments to the CBP regulations which provides a pre-seizure notice procedure for disclosing information appearing on the imported merchandise and/or its retail packing suspected of bearing a counterfeit mark to an intellectual property right holder for the limited purpose of obtaining the right holder's assistance in determining whether the mark is counterfeit or not.

Free Trade Agreements. Treasury and CBP also plan to issue final regulations this fiscal year to implement the preferential trade benefit provisions of the United States-Singapore Free Trade Agreement Implementation Act. Treasury and CBP also expect to issue final regulations implementing the preferential trade benefit provisions of the United States-Australia Free Trade Agreement Implementation Act.

In-Bond Process. Consistent with the practice of continuing to move forward with Customs Modernization provisions of the North American Free Trade Implementation Act to improve its regulatory procedures, Treasury and CBP plan to finalize this fiscal year the proposal to change the in-bond process by issuing final regulations to amend the in-bond regulations that were proposed on February 22, 2012 (77 FR 10622). The proposed changes, including the automation of the in-bond process, would modernize, simplify, and facilitate the in-bond process while enhancing CBP's ability to regulate and track in-bond merchandise to ensure that in-bond merchandise is properly entered or exported.

Inter-Partes Proceedings Concerning Exclusion Orders Based on Unfair Practices in Import Trade. Treasury and CBP plans to publish a proposal to amend its regulations with respect to administrative rulings related to the importation of articles in light of exclusion orders issued by the United States International Trade Commission (''Commission'') under section 337 of the Tariff Act of 1930, as amended. The proposed amendments seek to promote the speed, accuracy, and transparency of such rulings through the creation of an *inter partes* proceeding to replace the current *ex parte* process.

Customs and Border Protection's Bond Program. Treasury and CBP plan to publish a final rule amending the regulations to reflect the centralization of the continuous bond program at CBP's Revenue Division. The changes proposed would support CBP's bond program by ensuring an efficient and uniform approach to the approval, maintenance, and periodic review of continuous bonds, as well as accommodating the use of information technology and modern business practices.

Office of the Comptroller of the Currency

The primary mission of the Office of the Comptroller of the Currency (OCC) is to charter, regulate, and supervise all national banks and Federal Savings Associations (FSAs). The agency also supervises the Federal branches and agencies of foreign banks. The OCC's goal in supervising the financial institutions subject to its jurisdiction is to ensure that they operate in a safe and sound manner and in compliance with laws requiring fair treatment of their customers and fair access to credit and financial products.

Significant rules issued during fiscal year 2015 include:

Integration of National Bank and Federal Savings Association Regulations: Licensing Rules (12 CFR parts 4, 5, 7, 14, 32, 34, 100, 116, 143, 144, 145, 146, 150, 152, 159, 160, 161, 162, 163, 174, 192, and 193). The OCC issued a final rule that integrates its rules relating to policies and procedures for corporate activities and transactions involving national banks and FSAs. The final rule also revises some of these rules in order to eliminate unnecessary requirements, consistent with safety and soundness; promote fairness in supervision; and to make other technical and conforming changes. The final rule also includes amendments to update OCC rules for agency organization and function. The final rule was issued on May 18, 2015, 80 FR 28345.

Flood Insurance (12 CFR parts 22 and 172). The banking agencies,[1] Farm Credit Administration (FCA), and the National Credit Union Administration (NCUA) revised their regulations regarding loans in areas having special flood hazards to implement provisions of the Homeowner Flood Insurance Affordability Act of 2014 (HFIAA), which amends some of the changes to the Flood Disaster Protection Act of 1973 mandated by the Biggert-Waters Flood Insurance Reform Act of 2012 (Biggert-Waters). The rule requires the escrow of flood insurance payments on residential improved real estate securing a loan, consistent with the changes set forth in HFIAA. The final rule also incorporates an exemption in HFIAA for certain detached structures from the mandatory flood insurance purchase requirement. The rule also implements the provisions of Biggert-Waters related to the force placement of flood insurance. Finally, the rule integrates the OCC's flood insurance regulations for national banks and Federal savings associations. The final rule was issued on July 21, 2015, 80 FR 43216.

Appraisal Management Companies (12 CFR part 34). The banking agencies, the Federal Housing Finance Agency (FHFA), NCUA and the Consumer Financial Protection Bureau (CFPB) issued a rule that sets minimum standards for state registration and supervision of appraisal management companies (AMCs). The rule implements the minimum requirements in section 1473 of the Dodd-Frank Act to be applied by states in the registration and supervision of AMCs. It also implements the requirement in section 1473 of the Dodd-Frank Act for states to report to the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council the information needed by the ASC to administer the national registry of AMCs. The final rule was issued on June 6, 2015, 80 FR 32658.

Margin and Capital Requirements for Covered Swap Entities (12 CFR part 45). The banking agencies, FCA, and FHFA issued a proposed rule to establish minimum margin and capital requirements for registered swap dealers, major swap participants, security-based swap dealers, and major security-based swap participants for which one of the agencies is the prudential regulator. The proposed rule

[1] OCC, Board of Governors of the Federal Reserve System (Board), and Federal Deposit Insurance Corporation (FDIC).

will implement sections 731 and 764 of the Dodd-Frank Act, which require the agencies to adopt rules jointly to establish capital requirements and initial and variation margin requirements for such entities on all non-cleared swaps and non-cleared security-based swaps in order to offset the greater risk to such entities and the financial system arising from the use of swaps and security-based swaps that are not cleared. A second proposal was issued on September 24, 2014, 79 FR 57348.

Credit Risk Retention (12 CFR part 43). The banking agencies, Securities and Exchange Commission (SEC), FHFA, and the Department of Housing and Urban Development (HUD) issued rules to implement the credit risk retention requirements of section 15G of the Securities Exchange Act of 1934 (15 U.S.C. 78o–11), as added by section 941 of the Dodd-Frank Act. Section 15G generally requires the securitizer of asset-backed securities to retain not less than 5 percent of the credit risk of the assets collateralizing the asset-backed securities. Section 15G includes a variety of exemptions from these requirements, including an exemption for asset-backed securities that are collateralized exclusively by residential mortgages that qualify as ''qualified residential mortgages,'' as such term is defined by the agencies by rule. The final rule was issued on December 24, 2014, 78 FR 77602.

Regulatory priorities for fiscal year 2016 include finalizing any proposals listed above as well as the following rulemakings:

Automated Valuation Models (parts 34, 164). The banking agencies, NCUA, FHFA and CFPB, in consultation with the ASC and the Appraisal Standards Board of the Appraisal Foundation, are required to promulgate regulations to implement quality-control standards required under the statute. Section 1473(q) of the Dodd-Frank Act requires that automated valuation models used to estimate collateral value in connection with mortgage origination and securitization activity, comply with quality-control standards designed to ensure a high level of confidence in the estimates produced by automated valuation models; protect against manipulation of data; seek to avoid conflicts of interest; require random sample testing and reviews; and account for other factors the agencies deem appropriate. The agencies plan to issue a proposed rule to implement the requirement to adopt quality-control standards.

Incentive-Based Compensation Arrangements (12 CFR part 42). Section 956 of the Dodd-Frank Act requires the banking agencies, NCUA, SEC, and FHFA, to jointly prescribe regulations or guidance prohibiting any type of incentive-based payment arrangement, or any feature of any such arrangement, that the regulators determine encourages inappropriate risks by covered financial institutions by providing an executive officer, employee, director, or principal shareholder with excessive compensation, fees or benefits, or that could lead to material financial loss to the covered financial institution. The Dodd-Frank Act also requires such agencies to jointly prescribe regulations or guidance requiring each covered financial institution to disclose to its regulator the structure of all incentive-based compensation arrangements offered by such institution sufficient to determine whether the compensation structure provides any officer, employee, director, or principal shareholder with excessive compensation or could lead to material financial loss to the institution. The proposed rule was issued on April 14, 2011, 76 FR 21170.

Source of Strength (12 CFR part 47). The banking agencies plan to issue a proposed rule to implement section 616(d) of the Dodd-Frank Act. Section 616(d) requires that bank holding companies, savings and loan holding companies and other companies that directly or indirectly control an insured depository institution serve as a source of strength for the insured depository institution. The appropriate Federal banking agency for the insured depository institution may require that the company submit a report that would assess the company's ability to comply with the provisions of the statute and its compliance.

Net Stable Funding Ratio (12 CFR part 50). The banking agencies plan to issue a proposed rule to implement the Basel net stable funding ratio standards. These standards would require large, internationally active banking organizations to maintain sufficient stable funding to support their assets, generally over a one-year time horizon.

Financial Crimes Enforcement Network

As chief administrator of the Bank Secrecy Act (BSA), the Financial Crimes Enforcement Network (FinCEN) is responsible for developing and implementing regulations that are the core of the Department's anti-money laundering and counter-terrorism financing efforts. FinCEN's responsibilities and objectives are linked to, and flow from, that role. In fulfilling this role, FinCEN seeks to enhance U.S. national security by making the financial system increasingly resistant to abuse by money launderers, terrorists and their financial supporters, and other perpetrators of crime.

The Secretary of the Treasury, through FinCEN, is authorized by the BSA to issue regulations requiring financial institutions to file reports and keep records that are determined to have a high degree of usefulness in criminal, tax, or regulatory matters or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism. The BSA also authorizes requiring designated financial institutions to establish anti-money laundering programs and compliance procedures. To implement and realize its mission, FinCEN has established regulatory objectives and priorities to safeguard the financial system from the abuses of financial crime, including terrorist financing, money laundering, and other illicit activity. These objectives and priorities include: (1) Issuing, interpreting, and enforcing compliance with regulations implementing the BSA; (2) supporting, working with, and as appropriate, overseeing compliance examination functions delegated to other Federal regulators; (3) managing the collection, processing, storage, and dissemination of data related to the BSA; (4) maintaining a government-wide access service to that same data and for network users with overlapping interests; (5) conducting analysis in support of policymakers, law enforcement, regulatory and intelligence agencies, and the financial sector; and (6) coordinating with and collaborating on anti-terrorism and anti-money laundering initiatives with domestic law enforcement and intelligence agencies, as well as foreign financial intelligence units.

During fiscal year 2015, FinCEN issued the following regulatory actions:

Anti-Money Laundering Program and SAR Requirements for Investment Advisers. On August 25, 2015, FinCEN published in the **Federal Register** a Notice of Proposed Rulemaking (NPRM) to solicit public comment on proposed rules under the BSA that would prescribe minimum standards for anti-money laundering programs to be established by certain investment advisers and to require such investment advisers to report suspicious activity to FinCEN.

Imposition of Special Measure against FBME Bank Ltd., formerly known as Federal Bank of the Middle East, Ltd., as a Financial Institution of Primary Money Laundering Concern. On July 29, 2015, FinCEN issued a final rule

imposing the fifth special measure under section 311 of the USA PATRIOT Act against FBME. The fifth special measure prohibits or conditions the opening or maintaining of correspondent or payable-through accounts for the designated institution by U.S. financial institutions. This action followed a notice of finding issued on July 22, 2014 that FBME is a financial institution of primary money laundering concern and an NPRM proposing the imposition of the fifth special measure. FBME filed suit on August 7, 2015 in the United States District Court for the District of Columbia; FBME also moved for a preliminary injunction. On August 27, 2015, the Court granted the preliminary injunction and enjoined the rule from taking effect until a final judgment is entered.

Imposition of Special Measure against Banca Privada d'Andorra as a Financial Institution of Primary Money Laundering Concern. On March 10, 2015, FinCEN issued a finding that Banca Privada d'Andorra is a financial institution operating outside of the United States that is of primary money laundering concern under section 311 of the USA PATRIOT Act. Also on March 10, 2015, FinCEN issued an NPRM to impose the fifth special measure against the institution. The fifth special measure prohibits or conditions the opening or maintaining of correspondent or payable-through accounts for the designated institution by U.S. financial institutions.

Administrative Rulings and Written Guidance. FinCEN published 4 administrative rulings and written guidance pieces, and provided 30 responses to written inquiries/correspondence interpreting the BSA and providing clarity to regulated industries.

FinCEN's regulatory priorities for fiscal year 2016 include finalizing any initiatives mentioned above that are not finalized by fiscal year end, as well as the following in-process and potential projects:

Customer Due Diligence Requirements. On August 4, 2014, FinCEN issued a Notice of Proposed Rulemaking (NPRM) to solicit public comment on proposed rules under the BSA to clarify and strengthen customer due diligence requirements for banks, brokers or dealers in securities, mutual funds, and futures commission merchants and introducing brokers in commodities. The proposed rules contain explicit customer due diligence requirements and include a new regulatory requirement to identify beneficial owners of legal entity customers, subject to certain exemptions.

Report of Foreign Bank and Financial Accounts. FinCEN has drafted an NPRM to address requests from filers for clarification of certain requirements regarding the Report of Foreign Bank and Financial Accounts (FBAR), including requirements with respect to employees, who have signature authority over, but no financial interest in, the foreign financial accounts of their employers.

Cross Border Electronic Transmittal of Funds. On September 27, 2010, FinCEN issued an NPRM in conjunction with the feasibility study prepared pursuant to the Intelligence Reform and Terrorism Prevention Act of 2004 concerning the issue of obtaining information about certain cross-border funds transfers and transmittals of funds. As FinCEN has continued to work on developing the system to receive, store, and use this data, FinCEN has drafted a Supplemental NPRM to update the previously published proposed rule and provide additional information to those banks and money transmitters that will become subject to the rule.

Anti-Money Laundering Program Requirements for Banks Lacking a Federal Functional Regulator. FinCEN has drafted an NPRM to remove the anti-money laundering (AML) program exemption for banks that lack a Federal functional regulator, including, but not limited to, private banks, non-federally insured credit unions, and certain trust companies. The proposed rule would prescribe minimum standards for AML programs and would ensure that all banks, regardless of whether they are subject to Federal regulation and oversight, are required to establish and implement AML programs.

Amendments to the Definitions of Broker or Dealer in Securities. FinCEN has drafted an NPRM that proposes amendments to the regulatory definitions of broker or dealer in securities under the BSA regulations. The proposed changes would expand the current scope of the definitions to include funding portals and would require them to implement policies and procedures reasonably designed to achieve compliance with all of the BSA requirements that are currently applicable to brokers or dealers in securities.

Amendment to the Bank Secrecy Act Regulations—Registration Requirements of Money Services Businesses. FinCEN is considering issuing an NPRM to amend the requirements for money services businesses with respect to registering with FinCEN.

Changes to the Travel and Recordkeeping Requirements for Funds Transfers and Transmittals of Funds. FinCEN is considering changes to require that more information be collected and maintained by financial institutions on funds transfers and transmittals of funds and to lower the threshold.

Changes to the Currency and Monetary Instrument Report (CMIR) Reporting Requirements. FinCEN will research, obtain, and analyze relevant data to validate the need for changes aimed at updating and improving the CMIR and ancillary reporting requirements. Possible areas of study to be examined could include current trends in cash transportation across international borders, transparency levels of physical transportation of currency, the feasibility of harmonizing data fields with bordering countries, and information derived from FinCEN's experience with Geographic Targeting Orders.

Other Requirements. FinCEN also will continue to issue proposed and final rules pursuant to section 311 of the USA PATRIOT Act, as appropriate. Finally, FinCEN expects that it may propose various technical and other regulatory amendments in conjunction with its ongoing, comprehensive review of existing regulations to enhance regulatory efficiency, and as a result of the efforts of an interagency task force currently focusing on improvements to the U.S. regulatory framework for anti-money laundering.

Bureau of the Fiscal Service

The Bureau of the Fiscal Service (Fiscal Service) administers regulations pertaining to the Government's financial activities, including: (1) Implementing Treasury's borrowing authority, including regulating the sale and issue of Treasury securities, (2) Administering Government revenue and debt collection, (3) Administering Governmentwide accounting programs, (4) Managing certain Federal investments, (5) Disbursing the majority of Government electronic and check payments, (6) Assisting Federal agencies in reducing the number of improper payments, and (7) Providing administrative and operational support to Federal agencies through franchise shared services.

During fiscal year 2016, the Fiscal Service will accord priority to the following regulatory projects:

Notice of Proposed Rulemaking for Publishing Delinquent Debtor Information. The Debt Collection Improvement Act of 1996, Pub. L. 104–134, 110 Stat. 1321 (DCIA) authorizes

Federal agencies to publish or otherwise publicly disseminate information regarding the identity of persons owing delinquent nontax debts to the United States for the purpose of collecting the debts, provided certain criteria are met. Treasury proposes to issue a notice of proposed rulemaking seeking comments on a proposed rule that would establish the procedures Federal agencies must follow before promulgating their own rules to publish information about delinquent debtors and the standards for determining when use of this debt collection remedy is appropriate.

Offset of Tax Refund Payments to Collect Past-Due Support. Currently, there is no time limit to recoup offset amounts that were collected from tax refunds to which the debtor taxpayer was not entitled. An interim rule with request for comments would provide a time limit for such recoupments.

Debt Collection Authorities Under the Debt Collection Improvement Act of 1996. The Data Accountability and Transparency Act of 2014 changed the statutory requirement for federal agencies to submit delinquent debts to Treasury for purposes of administrative offset from 180 days delinquent to 120 days delinquent. The direct final rule will amend the regulations to conform to that statutory change.

Amendment to Savings Bond Regulations. Fiscal Service plans to amend regulations in 31 CFR parts 315, 353, and 360 to allow consideration of certain state escheat claims when the state cannot show that the owner, coowner, or beneficiary is deceased.

Internal Revenue Service

The Internal Revenue Service (IRS), working with the Office of Tax Policy, promulgates regulations that interpret and implement the Internal Revenue Code (Code) and related tax statutes. The purpose of these regulations is to carry out the tax policy determined by Congress in a fair, impartial, and reasonable manner, taking into account the intent of Congress, the realities of relevant transactions, the need for the Government to administer the rules and monitor compliance, and the overall integrity of the Federal tax system. The goal is to make the regulations practical and as clear and simple as possible.

During fiscal year 2016, the IRS will accord priority to the following regulatory projects:

Tax-Related Affordable Care Act Provisions. On March 23, 2010, the President signed the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148) and on March 30, 2010, the President signed the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (referred to collectively as the Affordable Care Act (ACA)). The ACA's reform of the health insurance system affects individuals, families, employers, health care providers, and health insurance providers. The ACA provides authority for Treasury and the IRS to issue regulations and other guidance to implement tax provisions in the ACA, some of which are already effective and some of which will become effective over the next several years. Since enactment of the ACA, Treasury and the IRS have issued a series of temporary, proposed, and final regulations implementing over a dozen provisions of the ACA, including the premium tax credit under section 36B of the Code, the small-business health coverage tax credit under section 45R of the Code, new requirements for charitable hospitals under section 501(r) of the Code, limits on tax preferences for remuneration provided by certain health insurance providers under section 162(m)(6) of the Code, the employer shared responsibility provisions under section 4980H of the Code, the individual shared responsibility provisions under section 5000A of the Code, insurer and employer reporting under sections 6055 and 6056 of the Code, and several revenue-raising provisions, including fees on branded prescription drugs under section 9008 of the ACA, fees on health insurance providers under section 9010 of the ACA, the tax on indoor tanning services under 5000B of the Code, the net investment income tax under section 1411 of the Code, and the additional Medicare tax under sections 3101 and 3102 of the Code.

In fiscal year 2016, Treasury and the IRS will continue to provide guidance to implement tax provisions of the ACA, including:

- Proposed and final regulations related to numerous aspects of the premium tax credit under section 36B, including the determination of minimum value of eligible-employer-sponsored plans;
- Regulations under section 4980I of the Code relating to the excise tax on high cost employer-provided coverage;
- Regulations on expatriate health plans under the Expatriate Health Coverage Clarification Act of 2014 for purposes of sections 36B, 4980I, and 5000A of the Code, and section 9010 of the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act;
- Final regulations regarding issues related to the net investment income tax under section 1411 of the Code.

Interest on Deferred Tax Liability for Contingent Payment Installment Sales. Section 453 of the Code generally allows taxpayers to report the gain from a sale of property in the taxable year or years in which payments are received, rather than in the year of sale. Section 453A of the Code imposes an interest charge on the tax liability that is deferred as a result of reporting the gain when payments are received. The interest charge generally applies to installment obligations that arise from a sale of property using the installment method if the sales price of the property exceeds $150,000, and the face amount of all such installment obligations held by a taxpayer that arose during, and are outstanding as of the close of, a taxable year exceeds $5,000,000. The interest charge provided in section 453A cannot be determined under the terms of the statute if an installment obligation provides for contingent payments. Accordingly, in section 453A(c)(6), Congress authorized the Secretary of the Treasury to issue regulations providing for the application of section 453A in the case of installment sales with contingent payments. Treasury and the IRS intend to issue proposed regulations that, when finalized, will provide guidance and reduce uncertainty regarding the application of section 453A to contingent payments.

Rules for Home Construction Contracts. In general, section 460(a) of the Code requires taxpayers to use the percentage-of-completion method (PCM) to account for taxable income from any long-term contract. Under the PCM, income is generally reported in installments as work is performed, and expenses are generally deducted in the taxable year incurred. However, taxpayers with contracts that meet the definition of a ''home construction contract,'' under section 460(e)(4), are not required to use the PCM for those contracts and may, instead, use an exempt method. Exempt methods include the completed contract method (CCM) and the accrual method. Under the CCM, for example, a taxpayer generally takes into account the entire gross contract price and all incurred allocable contract costs in the taxable year the taxpayer completes the contract. Treasury and the IRS believe that amended rules are needed to reduce uncertainty and controversy, including litigation, regarding when a contract qualifies as a ''home construction contract'' and when the income and allocable deductions are taken into account under the CCM. On August 4, 2008, Treasury and the IRS published proposed regulations on the types of

contracts that are eligible for the home construction contract exemption. The preamble to those regulations stated that Treasury and the IRS expected to propose additional rules specific to home construction contracts accounted for using the CCM. After considering comments received and the need for additional and clearer rules to reduce ongoing uncertainty and controversy, Treasury and the IRS have determined that it would be beneficial to taxpayers to present all of the proposed changes to the current regulations in a single document. Treasury and the IRS plan to withdraw the 2008 proposed regulations and replace them with new, more comprehensive proposed regulations.

Research Expenditures. Section 41 of the Code provides a credit against taxable income for certain expenses paid or incurred in conducting research activities. To assist in resolving areas of controversy and uncertainty with respect to research expenses, Treasury and the IRS plan to issue final regulations with respect to the definition and credit eligibility of expenditures for internal use software.

Income Inclusion When Lessee Treated as Having Acquired Investment Credit Property. Section 50(d)(5) of the Code provides that, for purposes of the investment credit, rules similar to former section 48(d) (as in effect prior to the enactment of Revenue Reconciliation Act of 1990 (Public Law 101–508)) apply. Former section 48(d)(5)(B) of the Code generally provides that when a lessor of investment credit property elects to treat the lessee as having acquired the property, the lessee of the property must include an applicable amount in gross income. Treasury and the IRS plan to issue regulations to address how the section 50(d)(5) income-inclusion rules operate when a partnership is the lessee.

Domestic Production Activities Income. Section 199 of the Code provides a deduction for certain income attributable to domestic production activities. To assist in resolving areas of controversy and uncertainty with respect to the eligibility of income from online computer software, Treasury and the IRS plan to issue regulations regarding the application of section 199 to online computer software.

Consistent Basis Reporting between Estate and Person Acquiring Property from Decedent. On July 31, 2015, the President of the United States signed H.R. 3236, Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (Act) (P.L. 114–41), into law. Section 2004 of the Act added new Code sections 1014(f), 6035, and 6662(k). Section 1014(f) provides rules requiring that the basis of certain property acquired from a decedent be consistent with the estate tax value of the property. Section 6035 requires executors who are required to file a return under section 6018(a) of the Code (and other persons required to file a return under section 6018(b)) after July 31, 2015, to furnish statements with the IRS and certain estate beneficiaries providing information regarding the value of certain property acquired from a decedent. Section 6662(k) provides a penalty for certain recipients of property acquired from an estate required to file a return after July 31, 2015, who do not report a basis that is consistent with the value determined under section 1014(f) when the property is sold (or deemed sold). On August 21, 2015, Notice 2015–57 was issued. This notice delayed the due date for any statements required by section 6035 to February 29, 2016. The IRS is in the process of issuing a form, a schedule, and instructions thereto to facilitate the reporting required by section 6035. It is expected these documents will be available in draft form for taxpayers' use prior to February 29, 2016. Treasury and the IRS will issue proposed regulations providing guidance under sections 1014(f), 6035, and 6662(k) within 18 months of July 31, 2015.

Arbitrage Investment Restrictions on Tax-Exempt Bonds. The arbitrage investment restrictions on tax-exempt bonds under section 148 of the Code generally limit issuers from investing bond proceeds in higher-yielding investments. On September 16, 2013, Treasury and the IRS published proposed regulations (78 FR 56842) to address selected current issues involving the arbitrage investment restrictions, including guidance on the issue price definition used in the computation of bond yield, working capital financings, grants, investment valuation, modifications, terminations of qualified hedging transactions, and selected other issues. On June 24, 2015, Treasury and the IRS published proposed regulations (80 FR 36301) that revise the 2013 guidance on the issue price definition. Treasury and the IRS plan to finalize the proposed regulations on the arbitrage investment restrictions, including the issue price definition used in the computation of bond yield.

Guidance on the Definition of Political Subdivision for Tax-Exempt, Tax-Credit, and Direct-Pay Bonds. A political subdivision may be a valid issuer of tax-exempt, tax-credit, and direct-pay bonds. Concerns have been raised about what is required for an entity to be a political subdivision. Treasury and the IRS plan to provide additional guidance under section 103 of the Code for determining when an entity is a political subdivision.

Contingent Notional Principal Contract Regulations. Notice 2001–44 (2001–2 CB 77) outlined four possible approaches for recognizing nonperiodic payments made or received on a notional principal contract (NPC) when the contract includes a nonperiodic payment that is contingent in fact or in amount. The Notice solicited further comments and information on the treatment of such payments. After considering the comments received in response to Notice 2001–44, Treasury and the IRS published proposed regulations (69 FR 8886) (the 2004 proposed regulations) that would amend section 1.446–3 and provide additional rules regarding the timing and character of income, deduction, gain, or loss with respect to such nonperiodic payments, including termination payments. On December 7, 2007, Treasury and the IRS released Notice 2008–2 requesting comments and information with respect to transactions frequently referred to as prepaid forward contracts. On May 8, 2015, Treasury and the IRS published temporary and proposed regulations (80 FR 26437) relating to the treatment of nonperiodic payments. Treasury and the IRS plan to finalize the temporary regulations and to re-propose regulations to address issues relating to the timing and character of nonperiodic contingent payments on NPCs, including termination payments and payments on prepaid forward contracts.

Tax Treatment of Distressed Debt. A number of tax issues relating to the amount, character, and timing of income, expense, gain, or loss on distressed debt remain unresolved. During fiscal year 2016, Treasury and the IRS plan to address certain of these issues in published guidance.

Definition of Real Property and Qualifying Income for REIT Purposes. A taxpayer must satisfy certain asset and income requirements to qualify as a real estate investment trust (REIT) under section 856 of the Code. REITs have sought to invest in various types of assets that are not directly addressed by the current regulations or other published guidance. On May 14, 2014, Treasury and the IRS published proposed regulations (79 FR 27508) to update and clarify the definition of real property for REIT qualification purposes, including guidance addressing whether a component of a larger item is tested on its own or only as part of the larger item, the scope of the asset to be tested, and whether certain intangible assets qualify as real property. Treasury and the IRS plan to

finalize the proposed regulations in the fiscal year. Treasury and the IRS also plan to provide guidance clarifying the definition of income for purposes of section 856.

Corporate Spin-offs and Split-offs. Section 355 and related provisions of the Code allow for the tax-free distribution of stock or securities of a controlled corporation if certain requirements are met. For example, the distributing corporation must distribute a controlling interest in the controlled corporation, and both the distributing and controlled corporations must be engaged in the active conduct of a trade or business immediately after the distribution. Treasury and the IRS intend to provide guidance on the qualification of a distribution for tax-free treatment under section 355, including (1) regulations that address when a corporation is treated as engaged in an active trade or business, and (2) final regulations that define predecessor or successor corporation for purposes of the exception to tax-free treatment under section 355(e). Treasury and the IRS also intend to provide guidance relating to the tax treatment of other transactions undertaken as part of a plan that includes a distribution of stock or securities of a controlled corporation, such as changes to the voting power of the controlled corporation's stock in anticipation of the distribution, the issuance of debt of the distributing corporation and retirement of such debt using stock or securities of the controlled corporation, and the transfer of cash or property between a distributing or controlled corporation and its shareholder(s) in connection with the distribution.

Disguised Payments for Services. Section 707(a)(2)(A) of the Code provides that if a partner performs services for a partnership and receives a related direct or indirect allocation and distribution, and the performance of services and the allocation and distribution, when viewed together, are properly characterized as a transaction occurring between the partnership and a partner acting other than in its capacity as a partner, the transfer will be treated as occurring between the partnership and one who is not a partner. Treasury and the IRS published proposed regulations on July 23, 2015, to provide guidance on when an arrangement that is purported to be a distributive share under section 704(b) of the Code will be recharacterized as a disguised payment for services under section 707(a)(2)(A). The proposed regulations also provide for modifications to the regulations governing guaranteed payments under section 707(c) to make those regulations consistent with the proposed regulations under section 707(a)(2)(A). Treasury and the IRS expect to issue final regulations during fiscal year 2016.

Transfers of Property to Partnerships with Related Foreign Partners. Section 721(c) of the Code provides authority to issue regulations that prevent the use of a partnership to shift gain to a foreign person. Treasury and the IRS exercised this authority on August 6, 2015, by issuing Notice 2015–54. The notice denies nonrecognition treatment to certain contributions by U.S. persons to partnerships that have foreign partners related to the transferor, unless conditions that preserve U.S. taxing nexus with respect to the built-in gain in the transferred property are met. The notice also addresses the consequences under section 482 of the Code of controlled transactions involving partnerships. Treasury and the IRS intend to issue the regulations described in the notice in this fiscal year.

Country-by-Country Reporting. This fiscal year, pursuant to authority granted under sections 6011, 6012, 6031, and 6038 of the Code, Treasury and the IRS expect to issue regulations requiring reporting of country-by-country information by large U.S. multinational enterprises (MNEs). The regulations will require those MNEs to report income, earnings, taxes paid, and certain economic activity for each country in which the MNE group conducts business, consistent with a template released by the Organisation for Economic Co-operation and Development (OECD) as part of its report ''Guidance on Transfer Pricing Documentation and Country-by-Country Reporting.'' The information will be used for transfer pricing risk assessment.

Currency. On September 6, 2006, Treasury and the IRS published a notice of proposed rulemaking under section 987 of the Code that proposes rules for translating a section 987 qualified business unit's income or loss into the taxpayer's functional currency for each taxable year, as well as for determining the amount of section 987 currency gain or loss that must be recognized when a section 987 qualified business unit makes a remittance. Treasury and the IRS expect to finalize the proposed regulations in this fiscal year.

Disguised Sale and Allocation of Liabilities. A contribution of property by a partner to a partnership may be recharacterized as a sale under section 707(a)(2)(B) of the Code if the partnership distributes to the contributing partner cash or other property that is, in substance, consideration for the contribution. The allocation of partnership liabilities to the partners under section 752 of the Code may impact the determination of whether a disguised sale has occurred and whether gain is otherwise recognized upon a distribution. Treasury and the IRS published proposed regulations on January 30, 2014, to address certain issues that arise in the disguised sale context and other issues regarding the partners' shares of partnership liabilities. Treasury and the IRS are considering comments on the proposed regulations and expect to issue regulations on this issue in fiscal year 2016.

Certain Partnership Distributions Treated as Sales or Exchanges. In 1954, Congress enacted section 751 to prevent the use of a partnership to convert potential ordinary income into capital gain. In 1956, Treasury and the IRS issued regulations implementing section 751 of the Code. The current regulations, however, do not always achieve the purpose of the statute. In 2006, Treasury and the IRS published Notice 2006–14 (2006–1 CB 498) to propose and solicit alternative approaches to section 751 that better achieve the purpose of the statute while providing greater simplicity. Treasury and the IRS published proposed regulations following up on Notice 2006–14 on November 3, 2014. These regulations were intended to provide guidance on determining a partner's interest in a partnership's section 751 property and how a partnership recognizes income required by section 751. Treasury and the IRS expect to issue final regulations during fiscal year 2016.

Penalties and Limitation Periods. Congress amended several penalty provisions in the Internal Revenue Code in the past several years. Treasury and the IRS intend to publish a number of guidance projects in fiscal year 2016 addressing these penalty provisions. Specifically, Treasury and the IRS intend to publish final regulations under section 6708 of the Code regarding the penalty for failure to make available upon request a list of advisees that is required to be maintained under section 6112 of the Code. The proposed regulations were published on March 8, 2013. Treasury and the IRS also intend to publish proposed regulations under sections 6662, 6662A, and 6664 of the Code to provide further guidance on the circumstances under which a taxpayer could be subject to the accuracy related penalty on underpayments or reportable transaction understatements and the reasonable cause exception.

Inversion Transactions. On September 22, 2014, Treasury and the IRS issued Notice 2014–52, addressing the application of sections 7874 and 367 of the Code to inversions, as well as certain tax avoidance transactions that are commonly undertaken after an inversion transaction. In this fiscal year, Treasury and the IRS expect to issue regulations implementing the rules described in Notice 2014–52. Also in this fiscal year, and as announced in Notice 2014–52, Treasury and the IRS expect to issue additional guidance to further limit inversion transactions that are contrary to the purposes of section 7874 and the benefits of post-inversion tax avoidance transactions.

Information Reporting for Foreign Accounts of U.S. Persons. In March 2010, chapter 4 (sections 1471 to 1474) was added to subtitle A of the Internal Revenue Code as part of the Hiring Incentives to Restore Employment Act (HIRE Act) (Pub. L. 111–147). Chapter 4 was enacted to address concerns with offshore tax evasion by U.S. citizens and residents and generally requires foreign financial institutions (FFIs) to enter into an agreement (FFI Agreement) with the IRS to report information regarding financial accounts of U.S. persons and certain foreign entities with significant U.S. ownership. An FFI that does not enter into an FFI Agreement, or that is not otherwise deemed compliant with FATCA, generally will be subject to a withholding tax on the gross amount of certain payments from U.S. sources. Treasury and the IRS have issued proposed, temporary, and final regulations under chapter 4, followed by proposed and temporary regulations modifying certain provisions of the final regulations; proposed and temporary regulations under chapters 3 and 61, and section 3406, to coordinate with those chapter 4 regulations; as well as implementing revenue procedures and other guidance. Treasury and the IRS expect to issue further guidance with respect to FATCA and related provisions in this fiscal year, including finalizing of the aforementioned chapter 3, 4 and 61 regulations and proposed regulations covering the compliance requirement of entities acting as sponsoring entities on behalf of certain foreign entities.

Foreign Tax Credits and Covered Asset Acquisitions. Section 901(m) of the Code limits the availability of foreign tax credits in certain cases in which U.S. tax law and foreign tax law provide different rules for recognizing income and gain. In 2014, Treasury and the IRS issued two notices providing guidance under section 901(m) regarding the treatment of gains and losses from dispositions. In this fiscal year, Treasury and the IRS expect to issue regulations to implement these notices, and also provide substantial additional guidance under section 901(m).

Transfers of Property to Foreign Corporations. Section 367 of the Code provides special rules to address the transfer of property, including intangible property, by U.S. persons to foreign corporations in certain nonrecognition transactions. Under existing temporary regulations issued in 1986, favorable treatment is afforded to the outbound transfer of ''foreign goodwill and going concern value,'' which has created incentives for taxpayers to categorize transfers of high-value intangible property as such. On September 14, 2015, Treasury and the IRS released proposed regulations that would eliminate that favorable treatment. Treasury and the IRS released on the same day temporary and proposed regulations under section 482 that clarify the coordination of the application of the transfer pricing rules in conjunction with other provisions, including section 367. Treasury and the IRS intend to finalize the proposed section 367 regulations and the temporary and proposed section 482 regulations in this fiscal year.

Section 501(c) Guidance. After reviewing over 160,000 comments submitted on the proposed regulations under section 501(c)(4) published in fiscal year 2014, Treasury and the IRS plan to issue revised proposed regulations that provide guidance under section 501(c) relating to limitations on political campaign activities of certain tax-exempt organizations.

Guidance on Multiemployer Benefit Suspensions. The Multiemployer Pension Reform Act of 2014 (MPRA) enacted new rules for multiemployer plans that are projected to have insufficient funds, at some point in the future, to pay the full plan benefits to which individuals will be entitled. MPRA permits the sponsor of such a plan to reduce the pension benefits payable to plan participants and beneficiaries if certain conditions are satisfied, after submitting an application to Treasury for approval and conducting a participant vote. Two sets of proposed and temporary regulations, each set covering different aspects of the legislation, have been published, as well as a revenue procedure concerning the application process. A public hearing on the first set of regulations has been held and over 700 comments received. Treasury and the IRS plan to finalize both sets of regulations in this fiscal year.

ABLE Account guidance. On December 19, 2014, Congress passed The Stephen Beck, Jr., Achieving a Better Life Experience (ABLE) Act of 2014, adding section 529A to the Code to enable states to create qualified ABLE programs under which disabled individuals may establish a tax-advantaged account to pay for disability-related expenses. To be eligible to establish an ABLE account, the individual must have become disabled prior to age 26. As required by the statute, Treasury and the IRS on June 19, 2015, published proposed regulations implementing the provision. States may rely on the proposed regulations for establishing a qualified ABLE program. Treasury and the IRS intend to finalize the regulations during the 2016 fiscal year, taking into account all comments received.

Guidance Responding to the SEC's Money Market Reform Rule. On July 23, 2014, the SEC adopted a final rule to reduce the systemic risk that money market funds present to the national economy. Later that day, Treasury and the IRS issued simplifying guidance, including proposed regulations (79 FR 43694), designed to ameliorate the tax compliance difficulties that the SEC rule would otherwise pose for certain money market funds and their shareholders. In fiscal year 2016, Treasury and the IRS intend to finalize the proposed regulations.

Guidance Relating to Publicly Traded Partnerships. Section 7704 of the Code provides that a partnership whose interests are traded on either an established securities market or on a secondary market (a ''publicly traded partnership'') is generally treated as a corporation for Federal tax purposes. However, section 7704(c) permits publicly traded partnerships to be treated as partnerships for Federal tax purposes if 90 percent or more of partnership income consists of ''qualifying income.'' Section 7704(d) provides that income is generally qualifying income if it is passive income or is derived from exploration, development, mining or production, processing, refining, transportation, or marketing of a mineral or natural resource. Treasury and the IRS issued proposed regulations in 2015 to provide guidance and reduce uncertainty regarding the scope of the natural resource exception. After considering comments on the proposed regulations, Treasury and the IRS expect to issue final regulations in fiscal year 2016.

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DEPARTMENT OF VETERANS AFFAIRS (VA)

Statement of Regulatory Priorities

The Department of Veterans Affairs (VA) administers benefit programs that recognize the important public obligations to those who served this Nation. VA's regulatory responsibility is almost solely confined to carrying out mandates of the laws enacted by Congress relating to programs for veterans and their families. VA's major regulatory objective is to implement these laws with fairness, justice, and efficiency.

Most of the regulations issued by VA involve at least one of three VA components: The Veterans Benefits Administration, the Veterans Health Administration, and the National Cemetery Administration. The primary mission of the Veterans Benefits Administration is to provide high-quality and timely nonmedical benefits to eligible veterans and their dependents. The primary mission of the Veterans Health Administration is to provide high-quality health care on a timely basis to eligible veterans through its system of medical centers, nursing homes, domiciliaries, and outpatient medical and dental facilities. The primary mission of the National Cemetery Administration is to bury eligible veterans, members of the Reserve components, and their dependents in VA National Cemeteries and to maintain those cemeteries as national shrines in perpetuity as a final tribute of a grateful Nation to commemorate their service and sacrifice to our Nation.

VA Regulatory Priorities

VA's main regulatory priority is to implement the Veterans Access, Choice, and Accountability Act of 2014, which has been amended by Congress in 2015 (Public Laws 114–19 and 114–41). The purpose of the law is to establish a program to furnish hospital care and medical services through non-VA health care providers to veterans who cannot be seen within VA's wait time goals, live far from any VA medical facility, or would face undue hardship travelling to a VA medical facility.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. Some of these entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov in the Completed Actions section for that agency. These rulemakings can also be found on Regulations.gov. The final agency plans can be found at: *http://www.va.gov/ORPM/docs/RegMgmt_VA_EO13563_VA_OIRA_Status_Report_201507.pdf*.

VA's most recent report on its retrospective review of regulations can be found at: *http://www.va.gov/ORPM/docs/RegMgmt_VA_EO13563_RegRevPlan20110810.docx*.

RIN	Title	Significantly reduce burdens on small businesses
2900–AP50	Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition	No.
2900–AO53	Fiduciary Activities	No.
Multiple RINs	VA Schedule for Rating Disabilities (with specific body system)	No.

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ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

FY 2016 Regulatory Plan

Statement of Regulatory and Deregulatory Priorities

The Architectural and Transportation Barriers Compliance Board (Access Board) is an independent federal agency established by section 502 of the Rehabilitation Act (29 U.S.C. 792). The Access Board is responsible for developing accessibility guidelines and standards under various laws to ensure that individuals with disabilities have access to and use of buildings and facilities, transportation vehicles, information and communication technology, and medical diagnostic equipment. Other federal agencies adopt the accessibility guidelines and standards issued by the Access Board as mandatory requirements for entities under their jurisdiction.

This plan highlights four rulemaking priorities for the Access Board in FY 2016: (A) Information and Communication Technology Accessibility Standards and Guidelines; (B) Americans with Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles; (C) Medical Diagnostic Equipment Accessibility Standards; and (D) Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way. The guidelines and standards would enable individuals with disabilities to achieve greater participation in our society, independent living, and economic self-sufficiency, and would promote our national values of equity, human dignity, and fairness, the benefits of which are difficult to quantify.

The rulemakings are summarized below.

A. Information and Communication Technology Accessibility Standards and Guidelines (RIN: 3014–AA37).

This rulemaking would update in a single document the accessibility standards for electronic and information technology covered by section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d) (Section 508), and the accessibility guidelines for telecommunications equipment and customer premises equipment covered by section 255 of the Communications Act of 1934 (47 U.S.C. 255) (Section 255). Section 508 requires the Federal Acquisition Regulatory Council (FAR Council) and each appropriate federal department or agency to revise their procurement policies and directives no later than 6 months after the Access Board's publication of standards. The FAR Council has incorporated the accessibility standards for electronic and information technology in the Federal Acquisition Regulation (48 CFR Chapter 1). Under section 255, the Federal Communications Commission (FCC) is responsible for issuing implementing regulations and enforcing section 255. The FCC has promulgated enforceable standards (47 CFR parts 6 and 7) implementing section 255 that are consistent with the Access Board's accessibility guidelines for telecommunications equipment and

customer premises equipment. The Access Board's 2010 ANPRM included a proposal to amend section 220 of the Americans with Disabilities Act Accessibility Guidelines (ADAAG), but, based on public comments, the ADAAG proposal is no longer included in this rulemaking and will be pursued separately at a later date.

A.1. *Statement of Need:* The Access Board issued the Electronic and Information Technology Accessibility Standards in 2000 (65 FR 80500, December 21, 2000), and the Telecommunications Act Accessibility Guidelines for telecommunications equipment and customer premises equipment in 1998 (63 FR 5608, February 3, 1998). Since the standards and the guidelines were issued, technology has evolved and changed. Telecommunications products and electronic and information technology products have converged. For example, smartphones can perform many of the same functions as computers. Real time text technologies and video relay services are replacing TTY's (text telephones). The Access Board is updating the standards and guidelines together to address changes in technology and to make them consistent.

A.2. *Summary of the Legal Basis:* Section 508 and Section 255 require the Access Board to develop accessibility standards for electronic and information technology and accessibility guidelines for telecommunications equipment and customer premises equipment, and to periodically review and update the standards and guidelines to reflect technological advances and changes.

Section 508 requires that when developing, procuring, maintaining, or using electronic and information technology, each federal department or agency must ensure, unless an undue burden would be imposed on the department or agency, that electronic and information technology (regardless of the type of medium) allows individuals with disabilities to have access to and use of information and data that is comparable to the access and use of the information and data by others without disabilities. Section 255 requires telecommunications manufacturers to ensure that telecommunications equipment and customer premises equipment are designed, developed, and fabricated to be accessible to and usable by individuals with disabilities when it is readily achievable to do so.

A.3. *Alternatives:* The Access Board established a Telecommunications and Electronic and Information Technology Advisory Committee to recommend changes to the existing standards and guidelines. The advisory committee was comprised of a broad cross-section of stakeholders, including representatives from industry, disability groups, and government agencies from the U.S. the European Commission, Canada, Australia, and Japan. Recognizing the importance of standardization across markets worldwide, the advisory committee coordinated its work with standard-setting bodies in the U.S. and abroad, such as the World Wide Web Consortium (W3C). The Access Board expects that the Information and Communication Technology Standards and Guidelines will have international influences. The Access Board first published Advance Notices of Proposed Rulemaking (ANPRMs) in the **Federal Register** in 2010 and 2011 requesting public comments on draft updates to the standards and guidelines (75 FR 13457, March 22, 2010; and 76 FR 76640, December 8, 2011). The NPRM was published in the **Federal Register** on February 27, 2015 (80 FR 10880). The comment period closed on May 28, 2015. The proposed rule, comments on the proposed rule, records and transcripts from three public hearings, and the preliminary regulatory impact analysis are available in the rulemaking docket at *http://www.regulations.gov/#!docketDetail;D=ATBCB-2015-0002*. The final rule will address and incorporate comments submitted in response to the NPRM.

A.4. *Anticipated Costs and Benefits:* The Access Board worked with a contractor to assess costs and benefits and prepare a preliminary regulatory impact assessment to accompany the NPRM. Baseline cost estimates of complying with Section 508 and Section 255 are made, and incremental costs due to the revised or new requirements are estimated for federal agencies and telecommunications equipment manufacturers. Anticipated benefits are also numerous, including hard-to quantify benefits such as increased ability for people with disabilities to obtain information and conduct transactions electronically. The Access Board will prepare a final regulatory impact assessment to accompany the final rule, which will incorporate information received from commenters to the NPRM.

B. Americans With Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles (RIN: 3014–AA38).

This rulemaking would update the accessibility guidelines for buses, over-the-road buses, and vans covered by the Americans with Disabilities Act (ADA). The accessibility guidelines for other transportation vehicles covered by the ADA, including vehicles operated in fixed guideway systems (*e.g.,* rapid rail, light rail, commuter rail, high speed rail and intercity rail) would be updated in a future rulemaking. The guidelines ensure that transportation vehicles covered by the ADA are readily accessible to and usable by individuals with disabilities. The U.S. Department of Transportation (DOT) has issued enforceable standards (49 CFR part 37) that apply to the acquisition of new, used, and remanufactured transportation vehicles, and the remanufacture of existing transportation vehicles covered by the ADA. DOT is expected to update its standards in a separate rulemaking to be consistent with the updated guidelines.

B.1. *Statement of Need:* The Access Board issued the ADA Accessibility Guidelines for Transportation Vehicles in 1991, and amended the guidelines in 1998 to include additional requirements for over-the-road buses. Level boarding bus systems were introduced in the U.S. after the 1991 guidelines were issued. We are revising the 1991 guidelines to include new requirements for level boarding bus systems, automated stop and route announcements, and other changes.

B.2. *Summary of the Legal Basis:* Title II of the ADA applies to state and local governments and title III of the ADA applies to places of public accommodation operated by private entities. The ADA covers designated public transportation services provided by state and local governments and specified public transportation services provided by private entities that are primarily engaged in the business of transporting people and whose operations affect commerce. (See 42 U.S.C. 12141 to 12147 and 12184.) Bus rapid transit systems, including level boarding bus systems, that provide public transportation services, are covered by the ADA.

The Access Board is required by the ADA and the Rehabilitation Act to establish and maintain guidelines for the accessibility standards adopted by DOT for transportation vehicles acquired or manufactured by entities covered by the ADA. Compliance with the new guidelines is not required until DOT revises its accessibility standards for transportation vehicles acquired or remanufactured by entities covered by the ADA to be consistent with the new guidelines.

B.3. *Alternatives:* The Access Board issued a Notice of Proposed Rulemaking to revise the 1991 guidelines for buses, over-the-road buses, and vans in 2010

(75 FR 43748, July 26, 2010). The proposed rule, comments on the proposed rule, transcripts from public hearings and an information meeting, and other related documents are available in the rulemaking docket at *http://www.regulations.gov/#!docketDetail;D=ATBCB-2010-0004*. The final rule will address and incorporate comments submitted in response to the NPRM.

B.4. *Anticipated Costs and Benefits:* In conjunction with the NPRM, the Access Board published a report entitled ''Cost Estimates for Automated Stop and Route Announcements'' (July 2010), which is available on the agency Web site (*www.access-board.gov*) and the rulemaking docket. A final regulatory assessment will be prepared to accompany the final rule. The final regulatory assessment will evaluate estimated incremental costs for new or revised requirements for buses, over-the-road buses, and vans in the final rule, as well as provide a description of qualitative benefits. It is anticipated that this rule will improve access to wheeled transportation vehicles for persons who have mobility disabilities, persons who have difficulty hearing or are deaf, and persons who have difficulty seeing or are blind to make better use of transportation services.

C. Medical Diagnostic Equipment Accessibility Standards (RIN: 3014–AA40).

The Access Board plans to issue a final rule establishing accessibility standards for medical diagnostic equipment used in or in conjunction with medical settings such as physicians' offices, clinics, emergency rooms, and hospitals. The standards will contain minimum technical criteria to ensure that medical diagnostic equipment, including examination tables, examination chairs, weight scales, mammography equipment, and other imaging equipment used by health care providers for diagnostic purposes are accessible to and usable by individuals with disabilities. The Access Board published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** in 2012 (77 FR 6916, February 9, 2012).

C.1. *Statement of Need:* A national survey of a diverse sample of individuals with a wide range of disabilities, including mobility and sensory disabilities, showed that the respondents had difficulty getting on and off examination tables and chairs, radiology equipment and weight scales, and experienced problems with physical comfort, safety and communication. Focus group studies of individuals with disabilities also provided information on barriers that affect the accessibility and usability of various types of medical diagnostic equipment. The national survey and focus group studies are discussed in the NPRM.

C.2. *Summary of the Legal Basis:* Section 4203 of the Patient Protection and Affordable Care Act (Pub. L. 111–148, 124 Stat. 570) amended title V of the Rehabilitation Act, which establishes rights and protections for individuals with disabilities, by adding section 510 to the Rehabilitation Act (29 U.S.C. 794f) (Section 510). Section 510 requires the Access Board, in consultation with the Commissioner of the Food and Drug Administration (FDA), to develop standards that contain minimum technical criteria to ensure that medical diagnostic equipment used in or in conjunction with medical settings such as physicians' offices, clinics, emergency rooms, and hospitals are accessible to and usable by individuals with disabilities.

Section 510 does not address who is required to comply with the standards. However, the Americans with Disabilities Act requires health care providers to provide individuals with disabilities full and equal access to their health care services and facilities. The U.S. Department of Justice (DOJ) is responsible for issuing regulations to implement the Americans with Disabilities Act and enforcing the law. The NPRM discusses DOJ activities related to health care providers and medical diagnostic equipment.

C.3. *Alternatives:* The Access Board worked with the FDA and DOJ in developing the standards. The Access Board considered the Association for the Advancement of Medical Instrumentation's ANSI/AAMI HE 75:2009, ''Human factors engineering-Design of medical devices,'' which includes recommended practices to provide accessibility for individuals with disabilities. The Access Board also established a Medical Diagnostic Equipment Accessibility Standards Advisory Committee that included representatives from the disability community and manufacturers of medical diagnostic equipment to make recommendations on issues raised in public comments and responses to questions in the NPRM. The Advisory Committee report, completed in December 2013, is available at *http://www.access-board.gov/guidelines-and-standards/health-care/about-this-rulemaking/advisory-committee-final-report*. The final rule will be based recommendations of the advisory committee, and will also address and incorporate comments submitted in response to the NPRM.

C.4. *Anticipated Costs and Benefits:* In conjunction with the NPRM, the Access Board published a preliminary regulatory assessment of the proposed MDE standards. The Access Board is working on a final regulatory assessment, which will evaluate the incremental costs and benefits of the final rule from quantitative and qualitative perspectives as information permits. It is anticipated that the final MDE standards will address many of the barriers that have been identified as affecting the accessibility and usability of diagnostic equipment by individuals with disabilities. The standards aim to facilitate independent transfers by individuals with disabilities onto and off of diagnostic equipment, and enable them to maintain their independence, confidence, and dignity, lessening the need for health care personnel to assist individuals with disabilities when transferring on and off of diagnostic equipment. The standards also are expected to improve the quality of health care for individuals with disabilities and ensure that they receive examinations, diagnostic procedures, and other health care services equivalent to those received by individuals without disabilities.

D. Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (RIN: 3014–AA26).

The rulemaking would establish accessibility guidelines to ensure that sidewalks and pedestrian facilities in the public right-of-way are accessible to and usable by individuals with disabilities. A Supplemental Notice of Proposed Rulemaking consolidated this rulemaking with RIN 3014–AA41; accessibility guidelines for shared use paths (which are multi-use paths designed primarily for use by bicyclists and pedestrians—including persons with disabilities—for transportation and recreation purposes). The U.S. Department of Justice, U.S. Department of Transportation, and other federal agencies are expected to adopt the accessibility guidelines for pedestrian facilities in the public right-of way and for shared use paths, as enforceable standards in separate rulemakings for the construction and alteration of facilities covered by the Americans with Disabilities Act, section 504 of the Rehabilitation Act, and the Architectural Barriers Act.

D.1. *Statement of Need:* While the Access Board has issued accessibility guidelines for the design, construction, and alteration of buildings and facilities covered by the Americans with

Disabilities Act (ADA) and the Architectural Barriers Act (ABA) (36 CFR part 1191), these guidelines were developed primarily for buildings and facilities on sites. Some of the provisions in these guidelines can be readily applied to pedestrian facilities in the public right-of-way such as curb ramps. However, other provisions need to be adapted or new provisions developed for pedestrian facilities that are built in the public right-of-way as well as shared use paths.

D.2. *Summary of the Legal Basis:* Section 502 (b)(3) of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 792 (b)(3), requires the Access Board to establish and maintain minimum guidelines for the standards issued by other agencies pursuant to the ADA and ABA. In addition, section 504 of the ADA, 42 U.S.C. 12204, required the Access Board to issue accessibility guidelines for buildings and facilities covered by that law.

D.3. *Alternatives:* The Access Board established a Public Rights-of-Way Access Advisory Committee to make recommendations for the guidelines. The advisory committee was comprised of a broad cross-section of stakeholders, including representatives of state and local government agencies responsible for constructing facilities in the public right-of-way, transportation engineers, disability groups, and bicycling and pedestrian organizations. The Access Board released two drafts of the guidelines for public comment, an NPRM (76 FR 44664, July 11, 2011) based on the advisory committee report and public comments on the draft guidelines, and a supplemental notice of proposed rulemaking (SNPRM) regarding shared use paths (78 FR 10110, February 13, 2013). The final rule will address and incorporate comments submitted in response to the NPRM and SNPRM.

D.4. *Anticipated Costs and Benefits:* In conjunction with the NPRM, the Access Board published a preliminary regulatory assessment of the proposed accessibility guidelines for pedestrian facilities in the public right-of-way, which is available in the rulemaking docket at *http://www.regulations.gov/#!docketDetail;D=ATBCB-2011-0004*. The Access Board identified four provisions in the NPRM that were expected to have more than minimal monetary impacts on state and local governments. Three of these four requirements are related to: (1) Detectable warning surfaces on newly constructed and altered curb ramps and blended transitions at pedestrian street crossings; (2) accessible pedestrian signals and pushbuttons when pedestrian signals are newly installed or replaced at signalized intersections; and (3) pedestrian activated signals at roundabouts with multi-lane pedestrian crossings. In addition, the fourth requirement for provision of a 2 percent maximum cross slope on pedestrian access routes within pedestrian street crossings with yield or stop control was estimated to have more than minimal monetary impacts on state and local governments when constructing roadways with pedestrian crossings in hilly areas. The NPRM included questions requesting information to assess the costs and benefits of these provisions, as well as other provisions that may have cost impacts. The Access Board will prepare a final regulatory impact assessment to accompany the final rule based on information provided in response to questions in the NPRM and other sources.

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ENVIRONMENTAL PROTECTION AGENCY (EPA)

Statement of Priorities

Overview

For more than 40 years, the U.S. Environmental Protection Agency (EPA) has worked to protect people's health and the environment. By taking advantage of the best thinking, the newest technologies and the most cost-effective, sustainable solutions, EPA and its federal, state, local, and community partners have made important progress to address pollution where people live, work, play, and learn. From cleaning up contaminated waste sites to reducing greenhouse gases, mercury and other air emissions, to investing in water and wastewater treatment, the American people have seen and felt tangible benefits to their health and surroundings. Efforts to reduce air pollution alone have produced hundreds of billions of dollars in benefits in the United States.

To keep up this momentum in the coming year, EPA will use regulatory authorities, along with grant- and incentive-based programs, technical and compliance assistance and tools, research and educational initiatives to address the priorities set forth in EPA's Strategic Plan:

- Addressing Climate Change and Improving Air Quality
- Protecting America's Waters
- Cleaning up Communities and Advancing Sustainable Development
- Ensuring the Safety of Chemicals and Preventing Pollution
- Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance

All of this work will be undertaken with a strong commitment to science, law and transparency.

Highlights of EPA'S Regulatory Plan

EPA's more than forty years of protecting public health and the environment demonstrates our nation's commitment to reducing pollution that can threaten the air we breathe, the water we use and the communities we live in. This Regulatory Plan contains information on some of our most important upcoming regulatory actions. As always, our Semiannual Regulatory Agenda contains information on a broader spectrum of EPA's upcoming regulatory actions.

Guiding Priorities

The EPA's success depends on supporting innovation and creativity in both what we do and how we do it. To guide the agency's efforts, the Agency has established several guiding priorities. These priorities are enumerated in the list that follows, along with recent progress and future objectives for each.

1. Addressing Climate Change and Improving Air Quality

The Agency will continue to deploy existing regulatory tools where appropriate and warranted. Addressing climate change calls for coordinated national and global efforts to reduce emissions and develop and deploy new, cleaner technologies. Using the Clean Air Act, EPA will continue to develop greenhouse gas standards for both mobile and stationary sources.

Greenhouse Gas Emission Standards for Power Plants. As part of the President's Climate Action Plan, in July 2015, the EPA promulgated the Clean Power Plan final rules setting guidelines for states to follow in reducing carbon emissions from existing power plants, as well as finalizing emission standards for new plants. At the same time, EPA proposed Model Rules, to be finalized in 2016, to help the states develop plans that adequately implement the carbon-reduction guidelines. The July 2015 proposal also included a Federal Plan that will serve as a backstop in cases where states do not adequately implement the guidelines. By 2030 carbon emissions from existing plants are estimated to be reduced by 32% from 2005 levels.

Heavy-Duty Vehicles GHG Emission Standards. In 2011, in cooperation with the Department of Transportation (DOT), EPA issued the first-ever

Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles for model years 2014–2018. On June 19, 2015, EPA and DOT proposed a second set of standards to further reduce greenhouse gas emissions and fuel consumption from a wide range of on-road vehicles from semi-trucks to the largest pickup trucks and vans and all types and sizes of work trucks and buses. These new standards will be finalized in 2016. This action is another important component of the President's Climate Action Plan.

Reviewing and Implementing Air Quality Standards. Despite progress, millions of Americans still live in areas that exceed one or more of the national air pollution standards. This year's regulatory plan describes efforts to review the primary National Ambient Air Quality Standards (NAAQS) for lead. It also includes a rule to reduce state-to-state atmospheric transport of pollutants that contribute to nonattainment of the ozone NAAQS.

2. Protecting America's Waters

Despite considerable progress, many of America's waters remain imperiled. Water quality protection programs face complex challenges, from nutrient loadings and stormwater runoff to invasive species and drinking water contaminants. These challenges demand both traditional and innovative strategies.

3. Cleaning up Communities and Advancing Sustainable Development

Just as today's economy is vastly different from that of 40 years before, EPA's regulatory program is evolving to recognize the progress that has already been made in environmental protection and to incorporate new technologies and approaches that allow us to provide for an environmentally sustainable future more efficiently and effectively.

Establishing User Fees for the Use of RCRA Manifests. The e-Manifest Final Rule of February 7, 2014 codified certain provisions of the ''Hazardous Waste Electronic Manifest Establishment Act'' (or the Act), which directed the EPA to adopt a regulation that authorized the use of electronic manifests to track hazardous waste shipments nationwide. The Act also instructed the EPA to develop a user-fee-funded e-Manifest system. Since the Act grants broad discretion to the EPA to determine the fees and gives the Agency authority to collect such fees for both electronic manifests and any paper manifests that continue in use, the EPA plans to issue a rulemaking to establish the appropriate electronic and paper manifest fees. The initial fees, to be established in the final rule, are expected to cover the operation and maintenance costs for the system, as well as the costs associated with the development of the system. The EPA plans to also announce in the final rule the date on which the system will be implemented and available to users.

Once the national e-Manifest system becomes available, hazardous waste handlers will be able to complete, sign, transmit, and store electronic manifests through the national IT system, or they can elect to continue tracking the hazardous waste under the paper manifest system. Further, waste handlers that currently submit manifests to the states will no longer be required to do so, unless required by the state, as the EPA will collect both the remaining paper manifest copies and electronic manifests in the national system and will disseminate the manifest data to those States that want it.

CERCLA Section 108(b)—Hard Rock Mining. Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. The Agency has identified classes of facilities within the Hard Rock mining industry as those for which financial responsibility requirements will be first developed. EPA's 108(b) rules will address the degree and duration of risks associated with aspects of hazardous substance management at hard rock mining and mineral processing facilities. These regulations will help ensure that businesses make financial arrangements to address risks from hazardous substances at their sites, and encourage businesses to improve their management of hazardous substances.

Modernization of the Accidental Release Prevention Regulations under Clean Air Act. On August 1, 2013, President Obama signed Executive Order 13650, entitled *Improving Chemical Facility Safety and Security* (E.O. 13650 or the E.O.). The E.O. was prompted by major chemical accidents, such as the explosion at the West Fertilizer facility in West, Texas on April 17, 2013. E.O. 13650 directs the federal government to carry out a number of tasks whose overall aim is to prevent chemical accidents. Among the tasks discussed, the E.O. directs agencies to consider possible changes to existing chemical safety regulations, such as the EPA's Risk Management Plan (RMP) regulation (40 CFR part 68).

Both EPA and the Occupational Safety & Health Administration (OSHA) had previously issued regulations, as required by the Clean Air Act Amendments of 1990, in response to a number of catastrophic chemical accidents occurring worldwide that had resulted in public and worker fatalities and injuries, environmental damage, and other community impacts. OSHA published the Process Safety Management (PSM) standard (29 CFR part 1910.119) in 1992. EPA modeled the RMP regulation after OSHA's PSM standard and published the RMP rule in two stages—a list of regulated substances and threshold quantities in 1994; and the RMP final regulation, containing risk management requirements, in 1996. Both the OSHA PSM standard and the EPA RMP regulation aim to prevent, or minimize the consequences of, accidental chemical releases to workers and the community.

The EPA is considering modifications to the current RMP regulations in order to (1) reduce the likelihood and severity of accidental releases, (2) improve emergency response when those releases occur, and (2) enhance state and local emergency preparedness and response in an effort to mitigate the effects of accidents.

4. Ensuring the Safety of Chemicals and Preventing Pollution

One of EPA's highest priorities is to make significant progress in assuring the safety of chemicals. Using sound science as a compass, EPA protects individuals, families, and the environment from potential risks of pesticides and other chemicals. In its implementation of these programs, EPA uses several different statutory authorities, including the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Federal Food, Drug and Cosmetic Act (FFDCA), the Toxic Substances Control Act (TSCA) and the Pollution Prevention Act (PPA), as well as collaborative and voluntary activities. In FY 2016, the Agency will continue to satisfy its overall directives under these authorities and highlights the following actions in this Regulatory Plan:

EPA's Existing Chemicals Management Program Under TSCA. As part of EPA's ongoing efforts to ensure the safety of chemicals, EPA plans to take a range of identified regulatory actions for certain chemicals and assess other chemicals to determine if risk reduction action is needed to address potential concerns. After completing risk assessments and identifying concerns related to several specific uses of Trichloroethylene (TCE) and methylene chloride, and n-methylpyrrolidone (NMP), EPA is

initiating action under TSCA section 6 to address these risks and determine what requirements may be necessary to adequately protect the public, workers, and the environment from unreasonable risk of exposure to these chemicals.

Addressing Formaldehyde Used in Composite Wood Products. As directed by the Formaldehyde Standards for Composite Wood Products Act of 2010, EPA is developing a final regulation to address formaldehyde emissions from hardwood plywood, particleboard and medium-density fiberboard that is sold, supplied, offered for sale, or manufactured in the United States.

Lead-based Paint Program. EPA is developing a final rule that would implement several amendments to the EPA lead-based paint program that would improve efficiencies and save resources for those involved. EPA proposed changes in 2014 to the EPA lead-based paint program that would, among other things, amend the renovation, repair and painting rule by removing the requirement for hands-on refresher training for renovators so that they can take the refresher course online and without the need to travel to a training facility for the hands-on portion. EPA also proposed to amend the lead-based paint abatement program by removing the requirement for firms, training providers and individuals to apply for and be certified or accredited in each EPA-administered jurisdiction where they work (*i.e.,* state, tribe or territory where EPA runs the abatement program). In addition, as directed by TSCA section 402(c)(3), EPA is developing a proposed rule to address renovation or remodeling activities that create lead-based paint hazards in pre-1978 public buildings and commercial buildings. EPA previously issued a final rule to address lead-based paint hazards created by these activities in target housing and child-occupied facilities.

Reassessment of PCB Use Authorizations. When enacted in 1978, TSCA banned the manufacture, processing, distribution in commerce, and use of polychlorinated biphenyls (PCBs), except when uses would pose no unreasonable risk of injury to health or the environment. EPA is reassessing certain ongoing, authorized uses of PCBs that were established by regulation in 1979, including the use, distribution in commerce, marking and storage for reuse of liquid PCBs in electric equipment, to determine whether those authorized uses still meet TSCA's ''no unreasonable risk'' standard. EPA plans to propose the revocation or revision of any PCBs use authorizations included in this reassessment that no longer meet the TSCA standard.

Enhancing Agricultural Worker Protection. As a result of extensive stakeholder engagement and public meetings, EPA is acting to enhance the pesticide worker safety program. EPA plans to issue final amendments to the agricultural worker protection regulation that strengthens protections for agricultural farm workers and pesticide handlers. The revisions will address key environmental justice concerns for a population that may be disproportionately affected by pesticide exposure. The final rule is expected to improve pesticide safety training, use of personal protective equipment, and access to decontamination supplies, and improve agricultural workers' ability to protect themselves and their families from potential secondary exposure to pesticides and pesticide residues. Other changes are intended to bring hazard communications and respirator requirements more in line with Occupational Safety and Health Administration requirements and to clarify current requirements to facilitate program implementation and enforcement.

Strengthening Pesticide Applicator Safety. As part of EPA's effort to enhance the pesticide worker safety program, the Agency also proposed revisions to the existing regulation concerning the certification of applicators of restricted-use pesticides. This proposed rule is intended to ensure that the federal certification standards adequately protect applicators, the public and the environment from potential risks associated with use of restricted use pesticides. The proposed changes are intended to improve the competency of certified applicators of restricted use pesticides, increase protection for noncertified applicators of restricted use pesticides operating under the direct supervision of a certified applicator through enhanced pesticide safety training and standards for supervision of noncertified applicators, and establish a minimum age requirement for such noncertified applicators. Also, in keeping with EPA's commitment to work more closely with tribal governments to strengthen environmental protection in Indian Country, certain proposed changes are intended to provide more practical options for establishing certification programs in Indian Country.

Evaluating Pesticide Risks to Bees and Other Pollinators. As part of the efforts outlined in the ''National Strategy to Promote the Health of Honey Bees and Other Pollinators,'' EPA is working to update its pesticide data requirements to provide the Agency with data needed to determine the potential exposure and effects of pesticides on bees and other important non-target insect pollinators. Pollinator insects are ecologically and economically important. Recognizing heightened concerns for honey bees due to pollinator declines and that the science has now evolved to where additional toxicity and exposure protocols are available, EPA issued interim study guidance for bees in 2011. EPA developed finalized guidance in 2014 on the conduct of exposure and effect studies used to characterize the potential risk of pesticides to bees. The development and implementation of updates data requirements is intended to provide the information the Agency needs to evaluate whether a proposed or existing use of a pesticide may have an unreasonable adverse effect on these important insects and support pesticide registration decisions under FIFRA.

5. Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance

Today's pollution challenges require a modern approach to compliance, taking advantage of new tools and approaches while strengthening vigorous enforcement of environmental laws. Next Generation Compliance is EPA's integrated strategy to do that, designed to bring together the best thinking from inside and outside EPA.

EPA's Next Generation Compliance consists of five interconnected components, each designed to improve the effectiveness of our compliance program:

- Design regulations and permits that are easier to implement, with a goal of improved compliance and environmental outcomes.
- Use and promote advanced emissions/pollutant detection technology so that regulated entities, the government, and the public can more easily see pollutant discharges, environmental conditions, and noncompliance.
- Shift toward electronic reporting to help make environmental reporting more accurate, complete, and efficient while helping EPA and co-regulators better manage information, improve effectiveness and transparency.
- Expand transparency by making information more accessible to the public.
- Develop and use innovative enforcement approaches (*e.g.,* data analytics and targeting) to achieve more widespread compliance.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following EPA actions have been identified as associated with retrospective review and analysis in the Agency's final plan for retrospective review of regulations, or one of its subsequent updates. Some of the entries on this list may not appear in *The Regulatory Plan* but appear in EPA's semiannual regulatory agenda. These rulemakings can also be found on Regulations.gov. EPA's final agency plan can be found at: *http://www.epa.gov/regdarrt/retrospective/.*

Rulemaking title	Regulatory Identifier No. (RIN)
New Source Performance Standards for Grain Elevators—Amendments	2060–AP06
Treatment of Data Influenced by Exceptional Events—Rule Revisions	2060–AS02
Public Notice Provisions in CAA Permitting Programs	2060–AS59
Regional Haze Regulations—Revision to SIP Submission Date and Requirements for Progress Reports	2060–AS55
Title V Petitions Process Improvement Rulemaking	2060–AS61
National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	2040–AF15
National Pollutant Discharge Elimination System (NPDES) Application and Program Updates Rule	2040–AF25
National Primary Drinking Water Regulations: Group Regulation of Carcinogenic Volatile Organic Compound (VOCs)	2040–AF29
Management Standards for Hazardous Waste Pharmaceuticals	2050–AG39
Hazardous Waste Export-Import Revisions Rule	2050–AG77
Improvements to the Hazardous Waste Generator Regulatory Program (Parts 261–265)	2050–AG70
Revisions to Resource Conservation and Recovery Act Subtitle D Research, Demonstration & Development Permit Rule	2050–AG75
Pesticides; Certification of Pesticide Applicators	2070–AJ20
Lead; Lead-based Paint Program; Amendment to Jurisdiction-Specific Certification and Accreditation Requirements and Renovator Refresher Training Requirements	2070–AK02

AGGREGATION OF BENEFITS AND COSTS FROM MONETIZED RULES REPORTED IN THE REGULATORY PLAN

Rule	Base year	Benefits (millions $/year)		Costs (millions $/year)		Net benefits (millions $/year)	
		Low	High	Low	High	Low	High
Discount Rate = 3%							
Oil and Gas Emission Standards for New and Modified Sources	2012	$200	$210	$150	$170	$35	$42
GHG Emissions and Efficiency Standards for Medium- and Heavy-Duty Engines–Phase 2 *	2012	3,700	4,900	(5,660)	(7,300)	9,400	12,300
Model Trading Rules for GHG Emissions from EGUs Constructed Before 1–8–14; Amendments	2012	3,564	8,249	2,546	1,426	1,018	6,823
Review of the National Ambient Air Quality Standards for Lead	2012	0	0	0	0	0	0
GHG Endangerment Findings for Aircraft	2012	0	0	0	0	0	0
RFS 2014–2016	2012	0	0	118	595	(118)	(595)
Pesticides; Certification of Pesticide Applicators	2012	21	22	50	50	(28)	(28)
Formaldehyde Emissions Standards for Composite Wood Products	2012	21	50	75	84	(62)	(25)
Formaldehyde; Third-Party Certification Framework for the Formaldehyde Standards	2012	$0	$0	$0.04	$0.04	($0.04)	($0.04)
Aggregate Estimates	2012	7,507	13,431	(2,721)	(4,975)	10,245	18,517
Discount Rate = 7%							
Oil and Gas Emission Standards for New and Modified Sources	2012	200	210	150	170	35	42
GHG Emissions and Efficiency Standards for Medium- and Heavy-Duty Engines–Phase 2 *	2012	4,200	4,800	(6,000)	(5,460)	10,100	10,200
Model Trading Rules for GHG Emissions from EGUs Constructed Before 1–8–14; Amendments	2012	3,463	7,842	2,546	1,426	1,120	6,416
Review of the National Ambient Air Quality Standards for Lead	2012	0	0	0	0	0	0
GHG Endangerment Findings for Aircraft	2012	0	0	0	0	0	0
RFS 2014–2016	2012	0	0	118	595	(118)	(595)
Pesticides; Certification of Pesticide Applicators	2012	21	22	50	50	(28)	(28)

AGGREGATION OF BENEFITS AND COSTS FROM MONETIZED RULES REPORTED IN THE REGULATORY PLAN—Continued

Rule	Base year	Benefits (millions $/year)		Costs (millions $/year)		Net benefits (millions $/year)	
		Low	High	Low	High	Low	High
Formaldehyde Emissions Standards for Composite Wood Products	2012	21	50	75	84	(62)	(25)
Formaldehyde; Third-Party Certification Framework for the Formaldehyde Standards	2012	0	0	0.04	0.04	(0.04)	(0.04)
Aggregate Estimates	2012	7,905	12,923	(3,061)	(3,135)	11,046	16,010

* In order to maintain consistency between the NHTSA's and EPA's analyses, the fuel savings values are treated as negative costs consistent with the information presented in the Regulatory Impact Analysis for the rulemaking (*http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2014-0827-0243*).

Burden Reduction

As described above, EPA continues to review its existing regulations in an effort to achieve its mission in the most efficient means possible. To this end, the Agency is committed to identifying areas in its regulatory program where significant savings or quantifiable reductions in paperwork burdens might be achieved, as outlined in Executive Orders 13563 and 13610, while protecting public health and our environment.

Rules Expected to Affect Small Entities

By better coordinating small business activities, EPA aims to improve its technical assistance and outreach efforts, minimize burdens to small businesses in its regulations, and simplify small businesses' participation in its voluntary programs. Actions that may affect small entities can be tracked on EPA's Regulatory Development and Retrospective Review Tracker (*http://www.epa.gov/regdarrt/*) at any time. This Plan includes the following rules that may be of particular interest to small entities:

Rulemaking title	Regulatory Identifier No. (RIN)
Formaldehyde Emission Standards for Composite Wood Products.	2070–AJ44
Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2.	2060–AS16
Oil and Natural Gas Sector: Emission Standards for New and Modified Sources.	2060–AS30
Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry.	2050–AG61

International Regulatory Cooperation Activities

EPA has considered international regulatory cooperation activities as described in Executive Order 13609 and has identified the following international activity that is anticipated to lead to a significant regulation in the following year:

Rulemaking title	Regulatory Identifier No. (RIN)
Formaldehyde Emission Standards for Composite Wood Products.	2070–AJ44

Streamlining the Export/Import Process for America's Businesses

EPA has considered import and export streamlining activities as described in Executive Order 13659 and identified the following rulemaking activity:

Rulemaking title	Regulatory Identifier No. (RIN)
Hazardous Waste Export-Import Revisions Rule.	2050–AG77

EPA—AIR AND RADIATION (AR)

Proposed Rule Stage

104. Interstate Transport Rule for the 2008 Ozone NAAQS

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 7401 *et seq.* Clean Air Act

CFR Citation: 40 CFR 51.

Legal Deadline: None.

Abstract: This proposed rule would address Clean Air Act (CAA) requirements concerning the transport of air pollution across State boundaries. It is the next step for the EPA to move forward with the States to address interstate transport with respect to the 2008 ozone National Ambient Air Quality Standards. This action will not address the particulate matter National Ambient Air Quality Standards.

Statement of Need: Interstate transport poses significant challenges with respect to the 2008 ozone NAAQS in the eastern United States, and this ozone pollution transport presents public health and welfare concerns.

Summary of Legal Basis: The statutory authority for this proposed action is provided by the CAA as amended (42 U.S.C. 7401 *et seq.*). Specifically, sections 110 and 301 of the CAA provide the primary statutory bases for this proposal. Section 110(a)(2)(D)(i)(I), also known as the ''good neighbor provision,'' provides the basis for this proposed action. It requires that each state SIP shall include provisions sufficient to ''prohibit . . . any source or other type of emissions activity within the State from emitting any air pollutants in amounts which will—(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any [NAAQS].''

Alternatives: Alternatives will be identified as the proposal is developed.

Anticipated Cost and Benefits: Costs and benefits will be analyzed as the proposal is developed.

Risks: Risks will be analyzed as the proposal is developed.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	
Final Rule	08/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

Additional Information: Docket #:EPA–HQ–OAR–2015–0500.

Sectors Affected: 221112 Fossil Fuel Electric Power Generation

URL for More Information: http://www.epa.gov/airtransport/ozonetransportNAAQS.html.

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RIN: 2060–AS05

EPA—AR

105. Oil and Natural Gas Sector: Emission Standards for New and Modified Sources

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 7401 *et seq.* Clean Air Act

CFR Citation: 40 CFR 60.

Legal Deadline: None.

Abstract: Consistent with the White House Methane Strategy and the January 14, 2015, announcement of the EPA's approach to achieving methane and volatile organic compounds (VOC) reductions from the oil and natural gas sector, this action will finalize amendments to the 2012 new source performance standards (NSPS) for this sector. The proposed rule published 9/18/15, included methane and VOC standards for sources not covered by the 2012 Oil and Gas NSPS, such as completions of hydraulically fractured oil wells, pneumatic pumps and fugitive emissions at well sites and compressor stations. The proposal also included methane standards for sources covered in the 2012 NSPS. In addition, in response to the reconsideration petitions received for the 2012 NSPS and the 2013 amendments to the NSPS, this proposal addressed the issues for which the EPA is granting reconsideration.

Statement of Need: This action finalizes amendments the new source performance standards for the oil and natural gas source category by setting standards for both methane and volatile organic compounds for certain equipment, processes, and activities across this source category that were not covered in the 2012 rules. This action responds to the 2014 Climate Action Plan: Strategy to Reduce Methane Emissions (the Methane Strategy). The Methane Strategy instructs the EPA to complete regulations pertaining to the sources of methane in the oil and gas sector by the end of 2016. Specifically, in January 2015, the Administration announced a new goal to cut methane emissions from the oil and gas sector. Additionally, this action finalizes certain issues raised in reconsideration petitions pertaining to the previously promulgated rule in 2012. EPA proposed these amendments on August 18, 2015.

Summary of Legal Basis: New source performance standards are issued under CAA section 111.

Alternatives: Alternatives for this final rule have not yet been determined. The EPA proposed both methane and VOC standards for several emission sources not currently covered by the NSPS (*i.e.,* hydraulically fractured oil well completions, fugitive emissions from well sites and compressor stations, and pneumatic pumps). In addition, the EPA proposed methane standards for certain emission sources that are currently regulated for VOC (*i.e.,* hydraulically fractured gas well completions, equipment leaks at natural gas processing plants). The proposed amendments would establish methane standards for certain equipment across the source category and extend the current VOC standards to the remaining unregulated equipment. Lastly, amendments proposed to the current NSPS that improve implementation of several aspects of the current standards. Except for the implementation improvements and the setting of standards for methane, these amendments do not change the requirements for operations already covered by the current standards. The EPA has incorporated flexibility to the extent possible into the proposed rule affected sources can achieve emissions reductions in a cost-effective way. In additional to proposing alternatives options where possible, the EPA solicited comments on alternative approaches. We believe that affected sources already complying with more stringent State requirements may also be in compliance with this rule. Furthermore, the EPA is mindful that some facilities that will be subject to the proposed EPA standards will also be subject to current or future requirements of the Department of Interior's Bureau of Land Management (BLM) rules covering production of natural gas on Federal lands. The EPA and BLM have maintained an ongoing dialogue during development of this action to identify opportunities for alignment and ways to minimize potential conflicting requirements and will continue to coordinate through the agencies' respective proposals and final rulemakings.

Anticipated Cost and Benefits: The EPA is currently assessing the costs and benefits associated with the final action. The August 18, 2015, proposal estimated the emission reductions are 340,000 to 400,000 tons of methane, 170,000 to 180,000 tons of VOC, and 1,900 to 2,500 tons of hazardous air pollutants in 2025. The proposal's methane-related monetized climate benefits are estimated to be $460 to $550 million in 2025. The estimate of total annualized engineering costs of the proposed NSPS (with gas savings) is $320 to $420 million in 2025. The quantified net benefits are estimated to be $120 to $150 million in 2025 using a 3 percent discount rate (model average) for climate benefits.

Risks: This action is a reconsideration of new source performance standards and, thus, does not assess risk.

Timetable:

Action	Date	FR Cite
NPRM	09/18/15	80 FR 56593
NPRM Comment Period End.	11/17/15	
Final Rule	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: Docket #: EPA–HQ–OAR–2010–0505.

URL for More Information: www.epa.gov/airquality/oilandgas.

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RIN: 2060–AS30

EPA—AR

106. Model Trading Rules for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014

Priority: Economically Significant.

Unfunded Mandates: Undetermined.

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

CFR Citation: 40 CFR 62.

Legal Deadline: None.

Abstract: The EPA is planning a notice of final rulemaking for model rules to implement greenhouse gas emission guidelines for existing fossil fuel-fired electric generating units (EGUs). Emission guidelines were signed 8/3/15 as the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (the Clean Power Plan). This plan is part of the President's Climate Action Plan announced in June 2013 to reduce carbon emissions from the power sector by 30 percent below 2005 levels. This

action offers States model trading rules that they can follow in developing their own plans in order to capitalize on the flexibility built into the final Emission Guidelines.

Statement of Need: The Federal plan and model trading rules proposal is part of President Obama's Climate Action Plan (CAP). The CAP called for the reduction of carbon emissions from the power sector by 30 percent below 2005 levels. In this action, the EPA has proposed a Federal plan to implement the Clean Power Plan emission guidelines (EGs) for affected fossil fuel-fired EGUs operating in States that do not have approved State plans. Specifically, the EPA has co-proposed two different approaches to a Federal plan to implement the Clean Power Plan EGs—a rate-based trading approach and a mass-based trading approach. The proposal also serves to provide a model rule that States can tailor for implementation as a State plan. A State program that adheres to the model trading rule provisions specified in this rulemaking would be presumptively approvable. The Federal plan will achieve the same levels of emissions performance as required of State plans under the EGs. The agency has proposed a finding that it is necessary or appropriate to implement a Clean Air Act (CAA) section 111(d) Federal plan for the affected EGUs located in Indian country. The agency has also proposed certain enhancements to the process and timing for State submittals and EPA action in the CAA section 111(d) framework regulations of 40 CFR part 60, subpart B (these proposals are not a part of the Federal plan or model trading rules).

Summary of Legal Basis: Greenhouse gas (GHG) pollution threatens the American public's health and welfare by contributing to long-lasting changes in our climate that can have a range of negative effects on human health and the environment. The U.S. Supreme Court ruled that GHGs meet the definition of ''air pollutant'' in the CAA, and this decision clarified that the CAA's authorities and requirements apply to GHG emissions. GHGs, including carbon dioxide (CO_2) from power plants, may persist in the atmosphere from decades to millennia, depending on the specific GHG. This special characteristic makes it crucial to take initial steps now to limit GHG emissions from fossil fuel-fired power plants, specifically emissions of CO_2, since they are the nation's largest sources of carbon pollution. Section 111(d)(2) of the CAA, 42 U.S.C. 7411(d)(2), provides the EPA the same authority to prescribe a plan for a state in cases where the state fails to submit a satisfactory plan as the agency would have under CAA section 110(c) in the case of failure to submit an implementation plan. In addition, the EPA has authority under CAA section 111(d)(1) to prescribe regulations that establish procedures similar to CAA section 110 with respect to the submission of state plans, and the EPA also has general rulemaking authority, as necessary, to implement the CAA under CAA section 301. This rule will provide model rules that states can tailor for implementation as a state plan to ensure that emission standards under authority of section 111 of the CAA (the Clean Power Plan EGs) are implemented for affected EGUs.

Alternatives: The final Clean Power Plan EGs are related to, but separate from the model trading rules and the federal plan. The final EGs detail the CO_2 reduction goals for sources by state. The purpose of the model rules is to provide states an example that the states can follow in developing their own plans in order to capitalize on the flexibility built into the final Clean Power Plan EGs. The purpose of the federal plan is to lay out mechanisms to achieve reductions in CO_2 emissions from affected EGUs that are not covered by an EPA-approved state plan. The EPA has co-proposed two basic approaches to a federal plan, a rate-based emission trading program and a mass-based emission trading program. Within these two approaches, the EPA has presented a range of options for comment through which affected EGUs would meet a rate-based goal or a mass-based equivalent. The EPA has incorporated flexibility to the extent possible into the proposed federal plan so affected units can achieve these reductions in a cost-effective way.

Anticipated Cost and Benefits: The EPA estimated the annual incremental compliance cost for the rate-based Federal plan approach to be $2.5 billion in 2020, $1.0 billion in 2025 and $8.4 billion in 2030. The EPA estimated the annual incremental compliance cost for the mass-based Federal plan approach to be $1.4 billion in 2020, $3.0 billion in 2025, and $5.1 billion in 2030. The Federal plan would be implemented only in those States that do not have a fully approved State plan as required under the final Clean Power Plan. In those States where a Federal plan may be required, a final Federal plan will implement the same emission guidelines for affected power plants outlined in the Clean Power Plan. The model trading rules and the Federal plan would not require additional control requirements or impose additional costs. States operating under a Federal plan may adopt complementary measures outside of that plan to facilitate compliance and lower costs to the benefit of power generators and consumers. Implementing the proposed action will generate benefits by reducing emissions of CO_2 and criteria pollutant precursors, including sulfur dioxide, nitrogen oxides, and directly emitted particles. The estimated benefits associated with these emission reductions are beyond those achieved by previous EPA rulemakings including the Mercury and Air Toxics Standards rule. The health and welfare benefits from reducing air pollution were considered co-benefits for the proposal. We were only able to quantify the climate benefits from reduced emissions of CO_2 and the health co-benefits associated with reduced exposure to $PM_{2.5}$ and ozone. There were many additional benefits which we were not able to quantify, leading to an underestimate of monetized benefits. In summary, we estimated the total combined climate benefits and health co-benefits for the rate-based Federal plan approach to be $3.5 to $4.6 billion in 2020, $18 to $28 billion in 2025, and $34 to $54 billion in 2030 (3 percent discount rate, 2011$). Total combined climate benefits and health co-benefits for the mass-based Federal plan approach were estimated to be $5.3 to $8.1 billion in 2020, $19 to $29 billion in 2025, and $32 to $48 billion in 2030 (3 percent discount rate, 2011$).

Risks: The risk addressed is the current and future threat of climate change to public health and welfare, as demonstrated in the 2009 Endangerment and Cause or Contribute Finding for Greenhouse Gases Under Section 202(a) of the Clean Air Act. The EPA made this determination based primarily upon the recent, major assessments by the U.S. Global Change Research Program (USGCRP), the National Research Council (NRC) of the National Academies and the Intergovernmental Panel on Climate Change (IPCC).

Timetable:

Action	Date	FR Cite
NPRM	10/23/15	80 FR 64965
NPRM Comment Period End.	01/21/16	
Final Rule	08/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal, Local, State, Tribal.

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RIN: 2060–AS47

EPA—AR

107. • Proposed Renewable Fuel Volume Standards for 2017 and Biomass Based Diesel Volume (BBD) for 2018

Priority: Other Significant.

Legal Authority: 42 U.S.C. 7619 Clean Air Act

CFR Citation: 40 CFR 80.

Legal Deadline: Final, Statutory, November 30, 2015. Statutory November 30.

Abstract: The Clean Air Act requires the EPA to promulgate regulations that specify the annual volume requirements for renewable fuels under the Renewable Fuel Standard (RFS) program. Standards are to be set for four different categories of renewable fuels: cellulosic biofuel, biomass-based diesel (BBD), advanced biofuel, and total renewable fuel. The statute requires the standards be finalized by November 30 of the year prior to the year in which the standards would apply. In the case of biomass-based diesel, the statute requires applicable volumes be set no later than 14 months before the year for which the requirements would apply. This action would propose the applicable volumes for all renewable fuel categories for 2017, and would also proposed the BBD standard for 2018.

Statement of Need: The Clean Air Act section 211(o) specifies annual volume requirements for renewable fuels under the Renewable Fuel Standard (RFS) program. Standards are to be set for four different categories of renewable fuels: cellulosic biofuel, biomass-based diesel (BBD), advanced biofuel, and total renewable fuel. The statute requires the standards be finalized by November 30 of the year prior to the year in which the standards would apply. In the case of biomass-based diesel, the statute requires applicable volumes be set no later than 14 months before the year for which the requirements would apply. This action would, as required by law, propose the applicable volumes for all renewable fuel categories for 2017, and would also proposed the BBD standard for 2018.

Summary of Legal Basis: Clean Air Act section 211(o) requires EPA to implement the Renewable Fuels Standard Program. The CAA requires that the Agency set annual volume requirements for four different categories of renewable fuels: cellulosic biofuel, biomass based diesel (BBD), advanced biofuel, and total renewable fuel. The statute requires the standards be finalized by November 30 of the year prior to the year in which the standards would apply.

Alternatives: Application of specific provisions for this program are set forth in the law. The law requires standards be established annually. The only alternatives authorized under the law are those which allow for waiving in whole or in part the volumes of renewable fuel for which the standards apply.

Anticipated Cost and Benefits: Illustrative cost scenarios will be prepared during development of the rule. The short time frame provided for the annual renewable fuel rule process does not allow sufficient time for EPA to conduct a comprehensive analysis of the benefits of the standards, and the statute does not require it. Moreover, the costs and benefits of the RFS program as a whole are best assessed when the program is fully mature in 2022. We continue to believe that this is the case, as the annual standard-setting process encourages consideration of the program on a piecemeal (*i.e.,* year to year) basis, which may not reflect the long-term economic effects of the program. Therefore, for the purpose of the annual rulemaking, we are preparing illustrative cost impacts.

Risks: Failure to set RFS annual standards would create uncertainty in the marketplace as to the volumes of renewable fuels that are required for blending in transportation fuels.

Timetable:

Action	Date	FR Cite
NPRM	06/00/16	
Final Rule	12/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

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RIN: 2060–AS72

EPA—OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION (OCSPP)

Proposed Rule Stage

108. Polychlorinated Biphenyls (PCBs); Reassessment of use Authorizations

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

CFR Citation: 40 CFR 761.

Legal Deadline: None.

Abstract: The EPA's regulations governing the use of polychlorinated biphenyls (PCBs) in electrical equipment and other applications were first issued in the late 1970s and have not been updated since 1998. The EPA has initiated rulemaking to reassess the ongoing authorized uses of PCBs to determine whether certain use authorizations should be ended or phased out because they can no longer be justified under section 6(e) of the Toxic Substances Control Act, which requires that the authorized use will not present an unreasonable risk of injury to health and the environment. As the first step in this reassessment, the EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) in 2010. The EPA reviewed and considered all comments received on the ANPRM in planning the current rulemaking. This action will address the following specific areas: (1) The use, distribution in commerce, marking and storage for reuse of liquid PCBs in electric equipment; (2) improvements to the existing use authorization for natural gas pipelines; and (3) definitional and other regulatory ''fixes.'' The reassessment of use authorizations related to liquid PCBs in equipment will focus on small capacitors in fluorescent light ballasts, large capacitors, transformers and other electrical equipment. In addition, revised testing, characterization, and reporting requirements for PCBs in natural gas pipeline systems to provide more transparency for the Agency and the public when PCB releases occur will be considered. Consistent with Executive Order 13563, ''Improving Regulation and Regulatory Review'', wherever possible and consistent with the overall objectives of this rulemaking, the Agency will also eliminate or fix regulatory inefficiencies noted by the Agency or in public comments on the ANPRM.

Statement of Need: The EPA is reassessing authorized uses of PCBs to determine whether certain uses should be ended or phased out because they can no longer be justified under section 6(e) of the Toxic Substances Control Act, which requires that the authorized use will not present an unreasonable risk of injury to health and the environment. A rulemaking is needed to revise or revoke any PCB use authorizations that no longer meet the TSCA unreasonable risk standard.

Summary of Legal Basis: The authority for this action comes from TSCA section 6(e)(2)(B) and (C) of TSCA (15 U.S.C. 605(e)(2)(B) and (C)), as well as TSCA section 6(e)(1)(B) (15 U.S.C. 2605(e)(1)(B)).

Alternatives: The EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) on April 7, 2010, and took comment through August 20, 2010. EPA reviewed and considered all comments received on the ANPRM in planning the current rulemaking.

Anticipated Cost and Benefits: The EPA is currently evaluating the costs and benefits of this action.

Risks: The EPA is currently evaluating the possible risks presented by ongoing uses of PCBs. PCB exposures can cause significant human health and ecological effects. The EPA and the International Agency for Research on Cancer (IARC) have characterized some commercial PCB mixtures as probably carcinogenic to humans. In addition to carcinogenicity, potential effects of PCB exposure include neurotoxicity, reproductive and developmental toxicity, immune system suppression, liver damage, skin irritation, and endocrine disruption. PCBs persist in the environment for long periods of time and bioaccumulate, especially in fish and marine animals. PCBs are also readily transported across long distances in the environment, and can easily cycle between air, water, and soil.

Timetable:

Action	Date	FR Cite
ANPRM	04/07/10	75 FR 17645
Second ANPRM	06/16/10	75 FR 34076
NPRM	06/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Local, State, Tribal.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Additional Information: Docket #: EPA–HQ–OPPT–2009–0757.

Sectors Affected: 31–33 Manufacturing; 54 Professional, Scientific, and Technical Services; 92 Public Administration; 53 Real Estate and Rental and Leasing; 811 Repair and Maintenance; 48–49 Transportation and Warehousing; 22 Utilities; 562 Waste Management and Remediation Services.

URL for More Information: http://www.epa.gov/pcb.

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RIN: 2070–AJ38

EPA—OCSPP

109. Trichloroethylene (TCE); Rulemaking Under TSCA Section 6(a)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

CFR Citation: 40 CFR NYD.

Legal Deadline: None.

Abstract: Section 6 of the Toxic Substances Control Act (TSCA) provides authority for the EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemicals, as well as any manner or method of disposal. The EPA identified trichloroethylene (TCE) for risk evaluation as part of its Work Plan for Chemical Assessment under TSCA. TCE is used in industrial and commercial processes, and also has some limited uses in consumer products. In the June 2014 TSCA Work Plan Chemical Risk Assessment for TCE, the EPA identified risks associated with commercial degreasing and some consumer uses. EPA is initiating rulemaking under TSCA section 6 to address these risks, if the EPA finds that there is a reasonable basis to conclude that the risks to human health or the environment are unreasonable.

Statement of Need: In the June 2014 TSCA Work Plan Chemical Risk Assessment for TCE, the EPA identified risks associated with commercial degreasing and some consumer uses. The EPA is initiating a rulemaking under TSCA section 6 to address these risks. Specifically, the EPA will determine whether the continued use of TCE in some commercial degreasing uses, as a spotting agent in dry cleaning, and in certain consumer products would pose an unreasonable risk to human health and the environment.

Summary of Legal Basis: Section 6 of the Toxic Substances Control Act provides authority for the EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemicals, as well as any manner or method of disposal.

Alternatives: Alternatives will be developed as part of the development of a proposed rule.

Anticipated Cost and Benefits: The EPA will prepare a regulatory impact analysis as part of the development of a proposed rule.

Risks: In the published TCE Risk Assessment, the EPA identified significant risks to human health in occupational, consumer and residential settings. The risk assessment identified health risks from TCE exposures to consumers using aerosol degreasers and spray fixatives, and health risks to workers when TCE is used in commercial shops and as a stain removing agent in dry cleaning.

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Sectors Affected: 325 Chemical Manufacturing.

URL for More Information: http://www.epa.gov/oppt/existingchemicals/.

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RIN: 2070–AK03

EPA—OCSPP

110. N-Methylpyrrolidone (NMP) and Methylene Chloride; Rulemaking Under TSCA Section 6(A)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Unfunded Mandates: Undetermined.

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

CFR Citation: 40 CFR NYD.

Legal Deadline: None.

Abstract: Section 6 of the Toxic Substances Control Act provides authority for the EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemicals, as well as any manner or method of disposal of chemicals. The EPA identified n-methylpyrrolidone (NMP) and methylene chloride for risk evaluation as part of its TSCA Work Plan for Chemical Assessments. NMP and methylene chloride are used in commercial processes and in consumer products in residential settings. In the August 2014 TSCA Work Plan Chemical Risk Assessment for methylene chloride and the March 2015 TSCA Work Plan Chemical Risk Assessment for NMP, the EPA identified risks associated with commercial and consumer paint and varnish stripping uses. The EPA is initiating rulemaking under TSCA section 6 to address these risks, if the EPA finds that there is a reasonable basis to conclude that the risks to human health or the environment are unreasonable.

Statement of Need: The EPA identified n-methylpyrrolidone and methylene chloride for risk evaluation as part of its Work Plan for Chemical Assessments under TSCA. In the August 2014 Risk Assessment for methylene chloride and March 2015 Risk Assessment for NMP, the EPA identified risks associated with commercial and consumer paint removal uses. The EPA is initiating rulemaking under TSCA section 6 to address these risks. Specifically, the EPA will determine whether the use of NMP or methylene chloride in commercial and consumer paint removal poses an unreasonable risk to human health and the environment.

Summary of Legal Basis: Section 6 of the Toxic Substances Control Act provides authority for the EPA to ban or restrict the manufacture (including import), processing, distribution in commerce, and use of chemicals, as well as any manner or method of disposal.

Alternatives: Alternatives will be developed as part of the development of a proposed rule.

Anticipated Cost and Benefits: The EPA will prepare a regulatory impact analysis as part of the development of a proposed rule.

Risks: As indicated in the published Risk Assessments and supplemental analyses for these chemicals, the EPA determined that there is risk of adverse human health effects (acute and chronic) for methylene chloride and NMP in occupational, consumer and residential settings.

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

Federalism: Undetermined.

Sectors Affected: 325 Chemical Manufacturing.

URL for More Information: http://www.epa.gov/oppt/existingchemicals/.

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RIN: 2070–AK07

EPA—SOLID WASTE AND EMERGENCY RESPONSE (SWER)

Proposed Rule Stage

111. Financial Responsibility Requirements Under CERCLA Section 108(B) for Classes of Facilities in the Hard Rock Mining Industry

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 42 U.S.C. 9601 *et seq.;* 42 U.S.C. 9608(b)

CFR Citation: None.

Legal Deadline: None.

Abstract: Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. The Agency has identified classes of facilities within the hard rock mining industry as those for which financial responsibility requirements will be first developed. EPA intends to include requirements for financial responsibility, as well as notification and implementation.

Statement of Need: EPA's 108(b) rules will address the degree and duration of risks associated with aspects of hazardous substance management at hard rock mining and mineral processing facilities. These regulations will help ensure that businesses make financial arrangements to address risks from hazardous substances at their sites, and encourage businesses to improve their management of hazardous substances.

Summary of Legal Basis: Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain regulatory authorities concerning financial responsibility requirements. Specifically, the statutory language addresses the promulgation of regulations that require classes of facilities to establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances.

Alternatives: The EPA is considering proposing for comment alternatives for allowable types of financial instruments.

Anticipated Cost and Benefits: The EPA expects that the primary costs of the rule will be the costs to facilities for procuring required financial instruments. The EPA also expects to incur administrative and oversight costs. These regulations will help ensure that businesses make financial arrangements to address risks from hazardous substances at their sites, and encourage businesses to improve their management of hazardous substances.

Risks: EPA's 108(b) rules are intended to address the risks associated with the production, transportation, treatment, storage or disposal of hazardous substances at hard rock mining and mineral processing facilities.

Timetable:

Action	Date	FR Cite
Notice	07/28/09	74 FR 37213
NPRM	08/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal.

Federalism: This action may have federalism implications as defined in E.O. 13132.

Additional Information: Docket #:EPA–HQ–SFUND–2009–0265. Split from RIN 2050–AG56.

Sectors Affected: 212 Mining (except Oil and Gas); 331 Primary Metal Manufacturing.

URL for More Information: http://www.epa.gov/superfund/policy/financialresponsibility/.

URL for Public Comments: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-SFUND-2009-0265-0001.

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RIN: 2050–AG61

EPA—SWER

112. User Fee Schedule for Electronic Hazardous Waste Manifest

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 42 U.S.C. 6939(g)

CFR Citation: Undetermined.

Legal Deadline: None.

Abstract: After promulgation of the first e-Manifest regulation in February 2014 to authorize the use of electronic manifests and to codify key provisions of the Hazardous Waste Electronic Manifest Establishment Act (or Act), the EPA is moving forward on the development of the separate e-Manifest User Fee Schedule Regulation. The Act authorizes the EPA to impose on manifest users reasonable service fees that are necessary to pay costs incurred in developing, operating, maintaining and upgrading the system, including costs incurred in collecting and processing data from any paper manifest submitted to the system after the date on which the system enters operation. The agency plans to issue both a proposed and final rule in setting the appropriate electronic manifest and manifest fees. The EPA intends to propose for comment the fee methodology for establishing the electronic manifest and paper service fees. The agency plans in a final rule to establish a program of fees that will be imposed on users of the e-manifest system and announce the user fee schedule for manifest-related activities, including activities associated with the collection and processing of paper manifests submitted to the EPA. The agency also plans in that final rule to announce (1) the date upon which the EPA will be ready to transmit and receive manifests through the national e-Manifest system and (2) the date upon which the user community must comply with the new e-Manifest regulation.

Statement of Need: On February 7, 2014, the EPA promulgated the e-Manifest Final rule, in order to comply with the Hazardous Waste Electronic Manifest Establishment Act, which required the EPA to issue a regulation authorizing electronic manifests by October 5, 2013. In issuing that rule, the EPA completed an important step that must precede the development of a national e-Manifest system, as required by the Hazardous Waste Electronic Manifest Establishment Act. This rule is the second regulation that must precede the development of the e-Manifest system. This action will implement the broad discretion granted on the Agency to establish reasonable user fees for the various activities associated with using and submitting electronic and paper manifests to the national system. Additionally, OMB Circular A–25 on User Charges provides that agencies of the Executive Branch must generally set user fee charges or fees through regulation.

Summary of Legal Basis: Section 2(c) of the e-Manifest Act authorizes the EPA to impose on manifest users reasonable user fees to pay any costs incurred in developing, operating, maintaining, and upgrading the system, including any costs incurred in collecting and processing data from any paper manifest submitted to the system. Thus, this Action will implement the broad discretion granted on the Agency to establish reasonable user fees for the various activities associated with using and submitting electronic and paper manifests to the national system.

Alternatives: The EPA plans to issue rulemaking to establish the appropriate electronic manifest and paper manifest fees. The EPA plans to propose for comment alternatives for imposing and collecting electronic manifest and paper fees.

Anticipated Cost and Benefits: When the e-Manifest Final Rule was published in February 2014, the Agency deferred the development of the detailed risk impact analysis (RIA) for the e-Manifest system until the User Fee Schedule Rule. Thus, the RIA for the proposed User Fee Schedule Rule will not be limited to the impacts of the user fees announced in the rule, but will also estimate the costs and benefits of the overall e-Manifest system. The primary costs in the e-Manifest RIA will be the cost to build the system, the costs for industry and state governments to connect to the system, and the cost to run the system. The most significant benefit of the e-Manifest system estimated in the RIA will be reduced burden for industry to comply with RCRA manifesting requirements, and the reduced burden on states that collect and utilize manifest data for program management purposes.

Risks: This action does not address any particular risks in the EPA's jurisdiction as it does not change existing requirements for manifesting hazardous waste shipments. It will merely propose for comment our fee methodology for setting the appropriate fees of electronic manifests, and paper manifests that continue in use, at such time as the system to receive them is built and operational.

Timetable:

Action	Date	FR Cite
NPRM	05/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, State, Local.

Additional Information: Docket #:EPA–HQ–RCRA–2001–0032.

Sectors Affected: 11 Agriculture, Forestry, Fishing and Hunting; 21 Mining, Quarrying, and Oil and Gas Extraction; 22 Utilities; 23 Construction; 31–33 Manufacturing; 42 Wholesale Trade; 44–45 Retail Trade; 48–49 Transportation and Warehousing; 51 Information; 562 Waste Management and Remediation Services; 92 Public Administration.

URL for More Information: http://www.epa.gov/epawaste/hazard/transportation/manifest/e-man.htm.

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RIN: 2050–AG80

EPA—SWER

113. Modernization of the Accidental Release Prevention Regulations Under Clean Air Act

Priority: Economically Significant. Major under 5 U.S.C. 801.

Unfunded Mandates: Undetermined.

Legal Authority: 42 U.S.C. 7412(r)

CFR Citation: 40 CFR 68.

Legal Deadline: None.

Abstract: In response to Executive Order 13650, the EPA is considering potential revisions to its Risk Management Program regulations and related programs. The Agency may

consider the addition of new accident prevention or emergency response program elements, and/or changes to existing elements, and/or other changes to the existing regulatory provisions.

Statement of Need: In response to Executive Order 13650, the EPA is considering potential revisions to its Risk Management Program regulations. The Executive Order establishes the Chemical Facility Safety and Security Working Group (''Working Group''), co-chaired by the Secretary of Homeland Security, the Administrator of the EPA, and the Secretary of Labor or their designated representatives at the Assistant Secretary level or higher, and composed of senior representatives of other federal departments, agencies, and offices. The Executive Order requires the Working Group to carry out a number of tasks whose overall goal is to prevent chemical accidents, such as the explosion that occurred at the West Fertilizer facility in West, Texas, on April 17, 2013, which killed 15 people, injured many others, and did extensive damage to the town. Section 6(a)(i) of the Executive Order requires the Working Group to develop options for improved chemical facility safety and security that identify ''improvements to existing risk management practices through agency programs, private sector initiatives, Government guidance, outreach, standards, and regulations.'' Section 6(c) of Executive Order 13650 requires the Administrator of the EPA to review the RMP Program (RMP).

Summary of Legal Basis: Clean Air Act Section 112(r)(7) authorizes the EPA Administrator to promulgate regulations to prevent accidental releases. Section 112(r)(7)(A) authorizes release prevention, detection, and correction requirements that may include a broad range of methods, make distinctions among classes and types of facilities, and may take into consideration other factors, including, but not limited to, size, location, process and substance factors, and response capabilities. Section 112(r)(7)(B) authorizes reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and detection of accidental releases of regulated substances and for response to such releases by the owners or operators of the sources of such releases.

Alternatives: The EPA is considering revisions to the accident prevention, emergency response, recordkeeping, and other provisions in 40 CFR part 68 to address chemical accident risks. The proposed action will contain the EPA's preferred option, as well as alternative regulatory options. The EPA also is considering publishing guidance to address some issues that may be raised in the proposed action.

Anticipated Cost and Benefits: Costs will include the burden on regulated entities associated with implementing new or revised requirements, including program implementation, training, equipment purchases, and recordkeeping, as applicable. Some costs will also accrue to implementing agencies and local governments, due to enhanced local coordination and recordkeeping requirements. Benefits will result from avoiding the harmful accident consequences to communities and the environment, such as deaths, injuries, and property damage, environmental damage, and from mitigating the effects of releases that may occur.

Risks: The proposed action will address the risks associated with accidental releases of listed regulated toxic and flammable substances to the air from stationary sources. Substances regulated under the RMP program include highly toxic and flammable substances that can cause deaths, injuries, property and environmental damage, and other on- and off-site consequences if accidentally released. The proposed action will reduce these risks by making accidental releases less likely, and by mitigating the severity of releases that may occur. The proposed action would not address the risks of non-accidental chemical releases, accidental releases of non-regulated substances, chemicals released to other media, and air releases from mobile sources.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Federal, Local, State, Tribal.

Sectors Affected: 325 Chemical Manufacturing; 49313 Farm Product Warehousing and Storage; 42491 Farm Supplies Merchant Wholesalers; 311511 Fluid Milk Manufacturing; 311 Food Manufacturing; 221112 Fossil Fuel Electric Power Generation; 311411 Frozen Fruit, Juice, and Vegetable Manufacturing; 49311 General Warehousing and Storage; 31152 Ice Cream and Frozen Dessert Manufacturing; 311612 Meat Processed from Carcasses; 211112 Natural Gas Liquid Extraction; 32519 Other Basic Organic Chemical Manufacturing; 42469 Other Chemical and Allied Products Merchant Wholesalers; 49319 Other Warehousing and Storage; 322 Paper Manufacturing; 42471 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries; 311615 Poultry Processing; 49312 Refrigerated Warehousing and Storage; 22132 Sewage Treatment Facilities; 11511 Support Activities for Crop Production; 22131 Water Supply and Irrigation Systems.

URL for More Information: http://www2.epa.gov/rmp.

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RIN: 2050–AG82

EPA—AIR AND RADIATION (AR)

Final Rule Stage

114. Review of the National Ambient Air Quality Standards for Lead

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 42 U.S.C. 7408; 42 U.S.C. 7409

CFR Citation: 40 CFR 50.

Legal Deadline: None.

Abstract: Under the Clean Air Act Amendments of 1977, the EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On November 12, 2008, the EPA published a final rule to revise the primary and secondary NAAQS for lead to provide increased protection for public health and welfare. The EPA has now initiated the next review. This new review includes the preparation of an Integrated Review Plan, an Integrated Science Assessment, and, if warranted, a Risk/Exposure Assessment, and also a Policy Assessment Document by the EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards. The proposed decision was published in the **Federal Register** with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents and

public comment on the proposed decision.

Statement of Need: Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. In the last lead NAAQS review, EPA published a final rule on November 12, 2008, to revise the primary and secondary NAAQS for lead to provide increased protection for public health and welfare.

Summary of Legal Basis: Under the Clean Air Act Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years.

Alternatives: The main alternative for the Administrator's decision on the review of the national ambient air quality standards for lead is whether to retain or revise the existing standards.

Anticipated Cost and Benefits: The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of state plans to implement the standards. Accordingly, when the Agency proposes revisions to the standards, the Agency prepares cost and benefit information in order to provide states information that may be useful in considering different implementation strategies for meeting proposed or final standards. In those instances, cost and benefit information is generally included in the regulatory analysis accompanying the final rule.

Risks: As part of the review, the EPA prepares an Integrated Review Plan, an Integrated Science Assessment, and, if warranted, a Risk/Exposure Assessment, and also a Policy Assessment document, with opportunities for review by the EPA's Clean Air Scientific Advisory Committee and the public. These documents will inform the Administrator's decision as to whether to retain or revise the standards. The proposed decision was published in the **Federal Register** with opportunity provided for public comment. The Administrator's final decisions will take into consideration these documents and public comment on the proposed decision.

Timetable:

Action	Date	FR Cite
NPRM	01/05/15	80 FR 277
Final Rule	06/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: State.

Additional Information: Docket #:EPA–HQ–OAR–2010–0108.

URL for More Information: http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_index.html.

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RIN: 2060–AQ44

EPA—AR

115. Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2

Priority: Economically Significant. Major under 5 U.S.C. 801.

Legal Authority: 42 U.S.C. 7401 *et seq.* Clean Air Act

CFR Citation: 40 CFR 1036; 40 CFR 1037; 40 CFR 9; 40 CFR 22; 40 CFR 85; 40 CFR 86; 40 CFR 600; 40 CFR 1033; 40 CFR 1039; 40 CFR 1042; 40 CFR 1043; 40 CFR 1065; 40 CFR 1066; 40 CFR 1068.

Legal Deadline: None.

Abstract: During the President's second term, the EPA and the Department of Transportation, in close coordination with the California Air Resources Board, are developing a comprehensive National Program for Medium- and Heavy-Duty Vehicle Greenhouse Gas Emission and Fuel Efficiency Standards for model years beyond 2018. These second sets of standards would further reduce greenhouse gas emissions and fuel consumption from a wide range of on-road vehicles from semi-trucks to the largest pickup trucks and vans, and all types and sizes of work trucks and buses. This action will be in continued response to the President's directive to take coordinated steps to produce a new generation of clean vehicles. This action follows the first ever Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles (75 FR 57106, September 15, 2011).

Statement of Need: Under Clean Air Act authority, the EPA has determined that emissions of greenhouse gases (GHG) from new motor vehicles and engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare. Therefore, there is a need to reduce GHG emissions from medium- and heavy-duty vehicles to protect public health and welfare. The medium- and heavy-duty truck sector accounts for approximately 23 percent of the U.S. mobile source GHG emissions and is the second-largest mobile source sector. GHG emissions from this sector are forecast to continue increasing rapidly; reflecting the anticipated impact of factors such as economic growth and increased movement of freight by trucks. This rulemaking would significantly reduce GHG emissions from future medium- and heavy-duty vehicles by setting GHG standards that will lead to the introduction of GHG-reducing vehicle and engine technologies.

Summary of Legal Basis: The Clean Air Act section 202(a)(1) states that ''The Administrator shall by regulation prescribe (and from time to time revise) in accordance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.'' Section 202(a) covers all on-highway vehicles including medium- and heavy-duty trucks. In April 2007, the Supreme Court found in *Massachusetts* v. *EPA* that greenhouse gases fit well within the Act's definition of ''air pollutant'' and that EPA has statutory authority to regulate emission of such gases from new motor vehicles. Lastly, in April 2009, EPA issued the Proposed Endangerment and Cause-or-Contribute Findings for Greenhouse Gases under the Clean Air Act. The endangerment proposal stated that greenhouse gases from new motor vehicles and engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare.

Alternatives: The rulemaking will include an evaluation of regulatory alternatives. In addition, the rule is expected to include tools such as averaging, banking, and trading of emissions credits as an alternative approach for compliance with the program.

Anticipated Cost and Benefits: Detailed analysis of economy-wide cost impacts, greenhouse gas emission reductions, and societal benefits will be performed during development of the rule.

Risks: The failure to set new GHG standards for medium- and heavy-duty trucks risks continued increases in GHG emissions from the trucking industry and therefore increased risk of unacceptable climate change impacts.

Timetable:

Action	Date	FR Cite
NPRM	07/13/15	80 FR 40137
NPRM Comment Period End.	09/11/15	
NPRM Comment Period Extended.	09/02/15	80 FR 53756
NPRM Comment Period Extended End.	10/01/15	
Final Rule	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, State.

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RIN: 2060–AS16

EPA—AR

116. Renewable Fuel Volume Standards, 2014–2016 (Reg Plan)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 7401 *et seq.,* Clean Air Act

CFR Citation: 40 CFR 80, subpart M.

Legal Deadline: None.

Abstract: The Clean Air Act requires the EPA to promulgate regulations that specify the annual volume requirements for renewable fuels under the Renewable Fuel Standard (RFS) program. Standards are to be set for four different categories of renewable fuels: Cellulosic biofuel, biomass-based diesel (BBD), advanced biofuel, and total renewable fuel. The statute requires the standards be finalized by November 30 of the year prior to the year in which the standards would apply. In the case of biomass-based diesel, the statute requires applicable volumes be set no later than 14 months before the year for which the requirements would apply. This action would finalize the applicable volumes for all renewable fuel categories for 2014, 2015 and 2016, and would also finalize the BBD standard for 2017.

Statement of Need: The Clean Air Act Section 211(o) specifies annual volume requirements for renewable fuels under the Renewable Fuel Standard (RFS) program. Standards are to be set for four different categories of renewable fuels: Cellulosic biofuel, biomass based diesel (BBD), advanced biofuel, and total renewable fuel. The statute requires the standards be finalized by November 30 of the year prior to the year in which the standards would apply. In the case of biomass based diesel, the statute requires applicable volumes be set no later than 14 months before the year for which the requirements would apply. This action would, as required by law, finalize the applicable volumes for all renewable fuel categories for 2014—2016, and would also finalize the BBD standard for 2017.

Summary of Legal Basis: Clean Air Act Section 211(o) requires EPA to implement the Renewable Fuels Standard Program. The Act requires the Agency set annual volume requirements for four different categories of renewable fuels: Cellulosic biofuel, biomass based diesel (BBD), advanced biofuel, and total renewable fuel. The statute requires the standards be finalized by November 30 of the year prior to the year in which the standards would apply.

Alternatives: Application of specific provisions for this program are set forth in the law. The law requires standards be established annually. The only alternatives authorized under the law are those which allow for waiving in whole or in part the volumes of renewable fuel for which the standards apply.

Anticipated Cost and Benefits: Costs and benefits of the program were analyzed in the 2010 Final Rule establishing the regulatory provisions for the RFS program.

Risks: Risks of the program were analyzed in the 2010 Final Rule establishing the regulatory provisions for the RFS program.

Timetable:

Action	Date	FR Cite
NPRM	06/10/15	80 FR 33100
NPRM Comment Period End.	07/27/15	
Final Rule	12/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Docket #: EPA–HQ–OAR–2015–0111.

Sectors Affected: 325199 All Other Basic Organic Chemical Manufacturing; 325193 Ethyl Alcohol Manufacturing; 424690 Other Chemical and Allied Products Merchant Wholesalers; 454319 Other Fuel Dealers; 424710 Petroleum Bulk Stations and Terminals; 324110 Petroleum Refineries; 424720 Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

URL for More Information: http://www2.epa.gov/renewable-fuel-standard-program.

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RIN: 2060–AS22

EPA—AR

117. Findings That Greenhouse Gas Emissions From Aircraft Cause or Contribute to Air Pollution That May Reasonably Be Anticipated To Endanger Public Health and Welfare Under CAA Section 231 (Reg Plan)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 42 U.S.C. 7401 *et seq.* Clean Air Act

CFR Citation: 40 CFR 87; 40 CFR 1068.

Legal Deadline: None.

Abstract: The EPA issued its proposed findings under section 231(a) of the Clean Air Act (CAA) on July 1, 2015 (80 FR 37757) that aircraft greenhouse gas (GHG) emissions cause or contribute to air pollution which may reasonably be anticipated to endanger public health and welfare. This action will finalize the proposed findings and respond to public comments. If finalized, the findings are scientific determinations under section 231(a) of the Clean Air Act; the EPA is not planning at this time

to propose or issue aircraft engine GHG emission standards. This action continues to rely on the peer-reviewed science from the major climate change science assessments of the U.S. Global Change Research Program (USGCRP), National Research Council (NRC), and the Intergovernmental Panel on Climate Change (IPCC) underlying the 2009 endangerment and cause or contribute findings for GHGs under section 202 of the CAA, along with updated reports from the same major climate change assessments.

Statement of Need: This action makes a determination regarding the current and future threat of climate change to public health and welfare. This action comes in response to a citizen petition submitted by Friends of the Earth, Oceana, the Center for Biological Diversity, and Earthjustice requesting that the EPA issue a GHG endangerment finding and standards under section 231(a)(2)(A) of the Act for GHG emissions from aircraft engines. Further, the EPA anticipates that the International Civil Aviation Organization (ICAO) will adopt a final international aircraft carbon dioxide (CO2) emissions standard in February 2016. The outcome of the final aircraft GHG endangerment and cause or contribute findings is a pre-requisite for the subsequent domestic rulemaking process.

Summary of Legal Basis: Section 231(a)(2)(A) of the CAA states that ''The Administrator shall, from time to time, issue proposed emission standards applicable to the emission of any air pollutant from any class or classes of aircraft engines which in [her] judgment causes, or contributes to, air pollution which may reasonably be anticipated to endanger public health or welfare.'' Before the Administrator may issue standards addressing emissions of GHGs under section 231, the Administrator must satisfy a two-step test. First, the Administrator must decide whether, in her judgment, the air pollution under consideration may reasonably be anticipated to endanger public health or welfare. Second, the Administrator must decide whether, in her judgment, emissions of an air pollutant from certain classes of aircraft engines cause or contribute to this air pollution. If the Administrator answers both questions in the affirmative, she must issue standards under section 231. See *Massachusetts* v. *EPA,* 549 U.S. 497, 533 (2007) (interpreting analogous provision in CAA section 202).

Alternatives: This section is not applicable, as this action is a scientific determination and does not create any regulatory standards under section 231(a)(2)(A) of the CAA.

Anticipated Cost and Benefits: This section is not applicable, as this action is a scientific determination and does not create any regulatory standards under section 231(a)(2)(A) of the CAA.

Risks: The risks discussed here are the current and future threat of climate change to public health and welfare, relying on the scientific and technical evidence in the record for the 2009 section 202 CAA endangerment and cause or contribute findings and building on it with more recent major scientific assessments.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/15	80 FR 37757
ANPRM Comment Period End.	08/31/15	
NPRM	07/01/15	80 FR 37757
NPRM Comment Period End.	08/31/15	
Final Rule	06/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Docket #: EPA–HQ–OAR–2014–0228.

URL for More Information: http://www3.epa.gov/otaq/aviation.htm.

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RIN: 2060–AS31

EPA—OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION (OCSPP)

Final Rule Stage

118. Pesticides; Certification of Pesticide Applicators

Priority: Other Significant.

Legal Authority: 7 U.S.C. 136 *et seq.* Federal Insecticide Fungicide and Rodenticide Act

CFR Citation: 40 CFR 156; 40 CFR 171.

Legal Deadline: None.

Abstract: The EPA is developing a final rule to revise the federal regulations governing the certified pesticide applicator program (40 CFR part 171). In August 2015, the EPA proposed revisions based on years of extensive stakeholder engagement and public meetings, to ensure that they adequately protect applicators, the public, and the environment from potential harm due to exposure to restricted use pesticides (RUPs). This action is intended to improve the training and awareness of certified applicators of RUPs and to increase protection for noncertified applicators of RUPs operating under the direct supervision of a certified applicator through enhanced pesticide safety training and standards for supervision of noncertified applicators.

Statement of Need: Change is needed to strengthen the protections for pesticide applicators, the public, and the environment from harm due to pesticide exposure.

Summary of Legal Basis: This action is issued under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136–136y, particularly sections 136a(d), 136i, and 136w.

Alternatives: The Agency has developed mechanisms to improve applicator trainers and make training materials more accessible. The Agency has also developed nationally relevant training and certification materials to preserve State resources while improving competency. However, these mechanisms and materials do not address other requisite needs for improving protections, such as requirements for determining competency and recertification. The EPA worked with key stakeholders to identify and evaluate various alternatives and regulatory options during the development of the proposed rule. These are discussed in detail in the proposed rule, and Economic Analysis that was prepared for the proposed rule.

Anticipated Cost and Benefits: The EPA prepared an Economic Analysis (EA) of the potential costs and impacts associated with the proposed rule, a copy or which is available in the docket, discussed in more detail in unit III of the proposed rule; and briefly summarized here. The EPA monetized benefits based on avoided acute pesticide incidents are estimated at $80.5 million/year after adjustment for underreporting of pesticide incidents (EA chapter 6.5). Qualitative benefits include the following:

- Willingness to pay to avoid acute effects of pesticide exposure beyond cost of treatment and loss of productivity.
- Reduced latent effect of avoided acute pesticide exposure.
- Reduced chronic effects from lower chronic pesticide exposure to workers, handlers, and farmworker families,

including a range of illnesses such as non-Hodgkins lymphoma, prostate cancer, Parkinson's disease, lung cancer, chronic bronchitis, and asthma. (EA chapter 6.4 & 6.6) EPA estimated total incremental costs of $47.2 million/year (EA chapter 5), which included the following:

• $19.5 million/year for costs to Private Applicators, with an estimated 490,000 impacted and an average cost of $40 per applicator (EA chapter 5 & 5.6).

• $27.4 million/year for costs to Commercial Applicators, with an estimated 414,000 impacted and an average cost of $66 per applicator (EA chapter 5 & 5.6).

• $359,000 for costs to States and other jurisdictions, with an estimated 63 impacted (EA chapter 5). The EPA estimated that there is no significant impact on a substantial number of small entities. EPA estimated that the proposed rule may affect over 800,000 small farms that use pesticides, although about half are unlikely to apply restricted use pesticides. The estimated impact for small entities is less than 0.1% of the annual revenues for the average small entity (EA chapter 5.7). The EPA also estimated that the proposed rule will have a negligible effect on jobs and employment because most private and commercial applicators are self-employed; and the estimated incremental cost per applicator represents from 0.3 to 0.5 percent of the cost of a part-time employee (EA chapter 5.6).

Risks: Applicators are at risk from exposure to pesticides they handle for their work. The public and the environment may also be at risk from misapplication by applicators. Revisions to the regulations are expected to minimize these risks by ensuring the competency of certified applicators.

Timetable:

Action	Date	FR Cite
NPRM	08/24/15	80 FR 51355
Final Rule	10/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Small Entities Affected: Businesses.

Government Levels Affected: Federal, Local, State, Tribal.

Additional Information: Docket #: EPA–HQ–OPP–2011–0183. Includes retrospective review under Executive Order 13563.

Sectors Affected: 9241 Administration of Environmental Quality Programs; 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 5617 Services to Buildings and Dwellings.

URL for More Information: http://www.epa.gov/oppfead1/safety/applicators/applicators.htm.

URL for Public Comments: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2011-0183-0001.

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RIN: 2070–AJ20

EPA—OCSPP

119. Formaldehyde Emission Standards for Composite Wood Products

Priority: Other Significant.

Unfunded Mandates: This action may affect the private sector under Pub. L. 104–4.

Legal Authority: 15 U.S.C. 2697 Toxic Substances Control Act

CFR Citation: 40 CFR 770.

Legal Deadline: Final, Statutory, January 1, 2013, Deadline for promulgation of regulations, per 15 U.S.C. 2697(d).

Abstract: The EPA is developing a final rule under the Formaldehyde Standards for Composite Wood Products Act that was enacted in 2010 as title VI of Toxic Substances Control Act (TSCA), 15 U.S.C. 2697. In 2013, EPA issued two proposed rules. A proposed rule to establish a framework for a TSCA title VI Third-Party Certification Program whereby third-party certifiers (TPCs) are accredited by accreditation bodies (ABs) so that they may certify composite wood product panel producers under TSCA title VI. That proposed rule identified the roles and responsibilities of the groups involved in the TPC process (EPA, ABs, and TPCs), as well as the criteria for participation in the program. It also proposed general requirements for TPCs, such as conducting and verifying formaldehyde emission tests, inspecting and auditing panel producers, and ensuring that panel producers' quality assurance and quality control procedures comply with the regulations set forth in the proposed rule. A separate proposed rule issued in 2013 under RIN 2070–AJ92 covered the implementation of the statutory formaldehyde emission standards for hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured (including imported) in the United States. Pursuant to TSCA section 3(7), the definition of manufacture'' includes import. As required by title VI, these regulations apply to hardwood plywood, medium-density fiberboard, and particleboard. TSCA Title VI also directs EPA to promulgate supplementary provisions to ensure compliance with the emissions standards, including provisions related to labeling; chain of custody requirements; sell-through provisions; ultra-low-emitting formaldehyde resins; no-added formaldehyde-based resins; finished goods; third-party testing and certification; auditing and reporting of third-party certifiers; recordkeeping; enforcement; laminated products; and exceptions from the requirements of regulations promulgated pursuant to this subsection for products and components containing de minimis amounts of composite wood products. As noted in the previously published Regulatory Agenda entry for each rulemaking, EPA has decided to issue a single final rule that addresses both of these proposals. As such, EPA is also combining the entries for the Regulatory Agenda.

Statement of Need: TSCA title VI directs EPA to promulgate regulations to implement the statutory formaldehyde emission standards and emissions testing requirements for composite wood products (hardwood plywood, particleboard, and medium-density fiberboard). It also directs EPA to include regulatory provisions relating to third-party testing and certification in addition to the auditing and reporting of third-party certifiers.

Summary of Legal Basis: EPA will issue this rule under title VI of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2697, enacted in the Formaldehyde Standards for Composite Wood Products Act of 2010, which provides authority for the EPA to ''promulgate regulations to implement the standards required under subsection (b)'' of the Act. This provision includes authority to promulgate regulations relating to ''third-party testing and certification'' and ''auditing and reporting of third-party certifiers.'' Congress directed EPA to consider a number of elements for inclusion in the implementing regulations, many of which are aspects of the California Air Resources Board (CARB) program. These elements include: (a) Labeling, (b) chain of custody requirements, (c) sell-through provisions, (d) ultra low-emitting formaldehyde resins, (e) no-added formaldehyde-based resins, (f)

finished goods, (g) third-party testing and certification, (h) auditing and reporting of TPCs, (i) recordkeeping, (j) enforcement, (k) laminated products, and (l) exceptions from the requirements of regulations promulgated for products and components containing de minimis amounts of composite wood products.

Alternatives: TSCA title VI establishes national formaldehyde emission standards for composite wood products and the EPA has not been given the authority to change those standards. EPA is evaluating allowable alternatives in this rulemaking.

Anticipated Cost and Benefits: The Economic Analysis issued with the proposed third-party certification program rule provides the EPA analysis of the potential costs and impacts associated with the proposed third-party certification program. As proposed, the annualized costs are estimated at approximately $34,000 per year using either a 3% discount rate or a 7% discount rate. These requirements would impact an estimated nine small entities, of which eight are expected to have impacts of less than 1% of revenues or expenses, and one is expected to have impacts between 1% and 3%. State, Local, and Tribal Governments are not expected to be subject to the requirements, which apply to third-party certifiers and accreditation bodies. The proposal does not have a significant intergovernmental mandate, significant or unique effect on small governments, or have Federalism implications. The Economic Analysis issued with the proposed implementation rule provides EPA's analysis of the potential costs and benefits associated with the proposed implementation requirements. As proposed, the rulemaking will reduce exposures to formaldehyde, resulting in benefits from avoided adverse health effects. For the subset of health effects where the results were quantified, the estimated annualized benefits (due to avoided incidence of eye irritation and nasopharyngeal cancer) are $20 million to $48 million per year using a 3% discount rate, and $9 million to $23 million per year using a 7% discount rate. There are additional unquantified benefits due to other avoided health effects. The annualized costs for the proposed implementation requirements are estimated at $72 million to $81 million per year using a 3% discount rate, and $80 million to $89 million per year using a 7% discount rate. Government entities are not expected to be subject to the rule's requirements, which apply to entities that manufacture (including import), fabricate, distribute, or sell composite wood products. EPA also estimated that the rulemaking would impact nearly 879,000 small businesses: Over 851,000 have costs impacts less than 1% of revenues, over 23,000 firms have impacts between 1% and 3%, and over 4,000 firms have impacts greater than 3% of revenues. Most firms with impacts over 1% have annualized costs of less than $250 per year. The proposed implementation rule increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population or children. The estimated costs of the proposed implementation rule exceed the quantified benefits. There are additional unquantified benefits due to other avoided health effects. After assessing both the costs and the benefits of the proposal, including the unquantified benefits, EPA has made a reasoned determination that the benefits of the proposal justify its costs.

Risks: At room temperature, formaldehyde is a colorless, flammable gas that has a distinct, pungent smell. Small amounts of formaldehyde are naturally produced by plants, animals and humans. Formaldehyde is used widely by industry to manufacture a range of building materials and numerous household products. It is in resins used to manufacture some composite wood products (*e.g.,* hardwood plywood, particleboard and medium-density fiberboard). Everyone is exposed to small amounts of formaldehyde in the air, some foods, and products, including composite wood products. The primary way you can be exposed to formaldehyde is by breathing air containing it. Formaldehyde can cause irritation of the skin, eyes, nose, and throat. High levels of exposure may cause some types of cancers.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/08	73 FR 73620
Second ANPRM	01/30/09	74 FR 5632
NPRM	06/10/13	78 FR 34795
NPRM Comment Period Extended.	07/23/13	78 FR 44090
NPRM Comment Period Extended.	08/21/13	78 FR 51696
Final Rule	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: Docket #: ANPRM stage: EPA–HQ–OPPT–2008–0627; NPRM Stage: EPA–HQ–OPPT–2011–0380; NPRM2 Stage: EPA–HQ–OPPT–2012–0018. This entry includes the rulemaking previously identified under RIN 2070–AJ92.

Sectors Affected: 541611 Administrative Management and General Management Consulting Services; 325199 All Other Basic Organic Chemical Manufacturing; 541990 All Other Professional, Scientific, and Technical Services; 561990 All Other Support Services; 813910 Business Associations; 337212 Custom Architectural Woodwork and Millwork Manufacturing; 321213 Engineered Wood Member (except Truss) Manufacturing; 541330 Engineering Services; 423210 Furniture Merchant Wholesalers; 442110 Furniture Stores; 444130 Hardware Stores; 321211 Hardwood Veneer and Plywood Manufacturing; 444110 Home Centers; 33712 Household and Institutional Furniture Manufacturing; 337127 Institutional Furniture Manufacturing; 423310 Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers; 453930 Manufactured (Mobile) Home Dealers; 321991 Manufactured Home (Mobile Home) Manufacturing; 336213 Motor Home Manufacturing; 337122 Nonupholstered Wood Household Furniture Manufacturing; 444190 Other Building Material Dealers; 423390 Other Construction Material Merchant Wholesalers; 325211 Plastics Material and Resin Manufacturing; 321992 Prefabricated Wood Building Manufacturing; 813920 Professional Organizations; 321219 Reconstituted Wood Product Manufacturing; 441210 Recreational Vehicle Dealers; 337215 Showcase, Partition, Shelving, and Locker Manufacturing; 321212 Softwood Veneer and Plywood Manufacturing; 541380 Testing Laboratories; 336214 Travel Trailer and Camper Manufacturing; 337121 Upholstered Household Furniture Manufacturing; 3212 Veneer, Plywood, and Engineered Wood Product Manufacturing; 337110 Wood Kitchen Cabinet and Countertop Manufacturing; 337211 Wood Office Furniture Manufacturing.

URL for More Information: Docket EPA–HQ–OPPT–2012–0018–0001; *http://www.epa.gov/opptintr/chemtest/formaldehyde/index.html.*

URL for Public Comments: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2011-0380-0001.

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RIN: 2070–AJ44

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Statement of Regulatory and Deregulatory Priorities

The mission of the Equal Employment Opportunity Commission (EEOC, Commission, or agency) is to ensure equality of opportunity in employment by vigorously enforcing and educating the public about the following Federal statutes: Title VII of the Civil Rights Act of 1964, as amended (prohibits employment discrimination on the basis of race, color, sex (including pregnancy), religion, or national origin); the Equal Pay Act of 1963, as amended (makes it illegal to pay unequal wages to men and women performing substantially equal work under similar working conditions at the same establishment); the Age Discrimination in Employment Act of 1967, as amended (prohibits employment discrimination based on age of 40 or older); Titles I and V of the Americans with Disabilities Act, as amended, and sections 501 and 505 of the Rehabilitation Act, as amended (prohibit employment discrimination based on disability); Title II of the Genetic Information Nondiscrimination Act (prohibits employment discrimination based on genetic information and limits acquisition and disclosure of genetic information); and section 304 of the Government Employee Rights Act of 1991 (protects certain previously exempt state & local government employees from employment discrimination on the basis of race, color, religion, sex, national origin, age, or disability).

The first item in this Regulatory Plan is entitled ''The Federal Sector's Obligation To Be a Model Employer of Individuals with Disabilities.'' The EEOC's regulations implementing section 501, as set forth in 29 CFR part 1614, require Federal agencies and departments to be ''model employers'' of individuals with disabilities. The Commission issued an Advanced Notice of Proposed Rulemaking (ANPRM) on May 15, 2014, (79 FR 27824), and intends to issue a proposed rule to revise the regulations regarding the Federal Government's affirmative employment obligations in 29 CFR part 1614 to include a more detailed explanation of how Federal agencies and departments should ''give full consideration to the hiring, placement, and advancement of qualified individuals with disabilities.'' Any revisions would be informed by Management Directive 715, and may include goals consistent with Executive Order 13548. Furthermore, any revisions would result in costs only to the Federal Government; would contribute to increasing the employment of individuals with disabilities; and would not affect risks to public health, safety, or the environment.

The second item is entitled ''Federal Sector Equal Employment Opportunity Process.'' In July 2012, the Commission published a final rule containing 15 discrete changes to various parts of the Federal sector EEO process, and indicated that the rule was the Commission's initial step in a broader review of the Federal sector EEO process. The Commission issued an ANPRM on February 6, 2015, and intends to issue an NPRM in August 2016, aimed at making the process more fair and efficient.

The third item is entitled ''Amendments to Regulations Under the Americans With Disabilities Act.'' This rule would amend the regulations to implement the equal employment provisions of the Americans with Disabilities Act (ADA) to address the interaction between title I of the ADA and financial inducements and/or penalties as part of wellness programs offered through health plans. EEOC also plans to address other aspects of wellness programs that may be subject to the ADA's nondiscrimination provisions. The EEOC issued an NPRM on July 20, 2014, and intends to issue a final rule in February 2016.

The fourth item is entitled ''Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008.'' This rule would amend the regulations on the Genetic Information Nondiscrimination Act of 2008 to address inducements to employees' spouses or other family members who respond to questions about their current or past medical conditions on health risk assessments. It will also correct a typographical error in the rule's discussion of wellness programs and add references to the Affordable Care Act, where appropriate. The EEOC issued an NPRM on October 30, 2015. The EEOC intends to issue a final rule in February 2016.

Consistent with section 4(c) of Executive Order 12866, this statement was reviewed and approved by the Chair of the Agency. The statement has not been reviewed or approved by the other members of the Commission.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the EEOC's final retrospective review of regulations plan. Some of the entries on this list may be completed actions, which do not appear in The Regulatory Plan. However, more information can be found about these completed rulemakings in past publications of the Unified Agenda on Reginfo.gov (*http://reginfo.gov/*) in the Completed Actions section. These rulemakings can also be found on Regulations.gov (*http://regulations.gov*). The EEOC's final Plan for Retrospective Analysis of Existing Rules can be found at: *http://www.eeoc.gov/laws/regulations/retro_review_plan_final.cfm.*

RIN	Title	Effect on small business
3046–AA91	Revisions to procedures for complaints or charges of employment discrimination based on disability subject to the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.	This rulemaking may decrease burdens on small businesses by making the charge/complaint process more efficient.
3046–AA92	Revisions to procedures for complaints/charges of employment discrimination based on disability filed against employers holding government contacts or subcontracts.	This rulemaking may decrease burdens on small businesses by making the charge/complaint process more efficient.

RIN	Title	Effect on small business
3046–AA93	Revisions to procedures for complaints of employment discrimination filed against recipients of federal financial assistance.	This rulemaking may decrease burdens on small businesses by making the charge/complaint process more efficient.
3046–AB00	Federal sector equal employment opportunity process	This rulemaking pertains to the federal sector equal employment opportunity process and thus is not expected to affect small businesses.

EEOC

Proposed Rule Stage

120. The Federal Sector's Obligation To Be a Model Employer of Individuals With Disabilities

Priority: Other Significant.
Legal Authority: 29 U.S.C. 791(b)
CFR Citation: 29 CFR 1614.203(a).
Legal Deadline: None.
Abstract: Section 501 of the Rehabilitation Act, as amended (Section 501), prohibits discrimination against individuals with disabilities in the Federal Government. The EEOC's regulations implementing section 501, as set forth in 29 CFR part 1614, require Federal agencies and departments to be ''model employers'' of individuals with disabilities.[1] On May 15, 2014, the Commission issued an Advance Notice of Proposed Rulemaking (79 FR 27824) that sought public comments on whether and how the existing regulations could be improved to provide more detail on what being a ''model employer'' means and how Federal agencies and departments should ''give full consideration to the hiring, placement and advancement of qualified individuals with disabilities.'' [2] The EEOC's review of the comments and potential revisions was informed by the discussion in Management Directive 715 of the tools Federal agencies should use to establish goals for the employment and advancement of individuals with disabilities. The EEOC's review of the comments and potential revisions was also informed by, and consistent with, the goals of Executive Order 13548 to increase the employment of individuals with disabilities and the employment of individuals with targeted disabilities.

Statement of Need: Pursuant to section 501 of the Rehabilitation Act, the Commission is authorized to issue such regulations as it deems necessary to carry out its responsibilities under this Act. Executive Order 13548 called for increased efforts by Federal agencies and departments to recruit, hire, retain, and return individuals with disabilities to the Federal workforce.

[1] 29 CFR 1614.203(a).
[2] Id.

Summary of Legal Basis: Section 501 of the Rehabilitation Act of 1973, as amended (section 501), 29 U.S.C. 791, in addition to requiring nondiscrimination with respect to Federal employees and applicants for Federal employment who are individuals with disabilities, also requires Federal agencies to maintain, update annually, and submit to the Commission an affirmative action program plan for the hiring, placement, and advancement of individuals with disabilities. As part of its responsibility for the administration and enforcement of equal opportunity in Federal employment, the Commission is authorized under 29 U.S.C. 794a(a)(1) to issue rules, regulations, orders, and instructions pursuant to section 501.

Alternatives: The EEOC considered all alternatives offered by ANPRM public commenters. The EEOC will consider all alternatives offered by future public commenters.

Anticipated Cost and Benefits: Any costs that might result would only be borne by the Federal Government. The revisions would contribute to increased employment of individuals with disabilities.

Risks: The proposed changes do not affect risks to public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
ANPRM	05/15/14	79 FR 27824
ANPRM Comment Period End.	07/14/14	
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: No.
Small Entities Affected: No.
Government Levels Affected: Federal.
Agency Contact: Christopher Kuczynski, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507, *Phone:* 202 663–4665, *TDD Phone:* 202 663–7026, *Fax:* 202 653–6034, *Email: christopher.kuczynski@eeoc.gov.*

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Related RIN: Related to 3046–AA73
RIN: 3046–AA94

EEOC

121. Federal Sector Equal Employment Opportunity Process

Priority: Other Significant.
Legal Authority: 29 U.S.C. 206(d); 29 U.S.C. 633a; 29 U.S.C. 791; 29 U.S.C. 794; 42 U.S.C. 2000e–16; E.O. 10577; E.O. 11222; E.O. 11478; E.O. 12106; Reorganization Plan No. 1 of 1978; 42 U.S.C. 2000ff–6(e)
CFR Citation: 29 CFR 1614.
Legal Deadline: None.
Abstract: In July 2012, the Commission published a final rule containing 15 discrete changes to various parts of the Federal sector EEO complaint process, and indicated that the rule was the Commission's initial step in a broader review of the Federal sector EEO process. On February 6, 2015, the Commission issued an Advance Notice of Proposed Rulemaking (ANPRM) (80 FR 6669), that sought public input on additional issues associated with the Federal sector EEO process.

Statement of Need: Any proposals contained in an NPRM would be aimed at making the process more fair and efficient.

Summary of Legal Basis: Title VII of the Civil Rights Act of 1964 authorizes EEOC ''to issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under . . . section [717].'' 42 U.S.C. 2000e–16(b).

Alternatives: The EEOC will consider all alternatives offered by public commenters.

Anticipated Cost and Benefits: Based on the information currently available, we anticipate that most of the changes will have no cost and will benefit users of the process by correcting or clarifying the requirements. Any cost that might result would only be borne by the Federal Government.

Risks: Any proposed revisions would not affect risks to the public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
ANPRM	02/06/15	80 FR 6669
ANPRM Comment Period End.	04/07/15	
NPRM	08/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: Federal.

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RIN: 3046–AB00

EEOC

122. Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008

Priority: Other Significant.

Legal Authority: 42 U.S.C. 2000ff

CFR Citation: 29 CFR 1635.

Legal Deadline: None.

Abstract: This proposed rule would amend the regulations on the Genetic Information Nondiscrimination Act of 2008 to address inducements to employees' spouses or other family members who respond to questions about their current or past medical conditions on health risk assessments (HRA). This Notice of Proposed Rulemaking will also correct a typographical error in the rule's discussion of wellness programs and add references to the Affordable Care Act, where appropriate.

Statement of Need: The revision to 29 CFR 1635.8 is needed to address numerous inquiries received by EEOC about whether an employer will violate the Genetic Information Nondiscrimination Act (GINA) of 2008 by offering an employee a financial inducement if the employee's family member completes an HRA that asks about the family member's current health status. Technical amendments are also needed to correct a typographical error and to include references to the ACA, where appropriate.

Summary of Legal Basis: GINA, section 211, 42 U.S.C. 2000ff–10, requires the EEOC to issue regulations implementing title II of the Act. The EEOC issued regulations on November 9, 2010. These proposed revisions are based on that statutory requirement.

Alternatives: The EEOC will consider all alternatives offered by public commenters.

Anticipated Cost and Benefits: Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by title II of GINA by clarifying that employers who offer wellness programs are free to adopt a certain type of inducement without violating GINA, as well as correcting an internal citation, and providing citations to the ACA.

Risks: The proposed rule imposes no new or additional risks to employers. The proposal does not address risks to public safety or the environment.

Timetable:

Action	Date	FR Cite
NPRM	10/30/15	80 FR 66853
NPRM Comment Period End.	12/29/15	
Final Action	02/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.

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RIN: 3046–AB02

EEOC

Final Rule Stage

123. Amendments to Regulations Under the Americans with Disabilities Act

Priority: Other Significant.

Legal Authority: 42 U.S.C. 12101 *et seq.*

CFR Citation: 29 CFR 1630.

Legal Deadline: None.

Abstract: This proposed rule would amend the regulations to implement the equal employment provisions of the Americans with Disabilities Act (ADA) to address the interaction between title I of the ADA and financial inducements and/or penalties as part of wellness programs offered through health plans. EEOC also plans to address other aspects of wellness programs that may be subject to the ADA's nondiscrimination provisions in this Notice of Proposed Rulemaking.

Statement of Need: The revision to 29 CFR 1630.14(d) is needed to address numerous inquiries EEOC has received about whether an employer that complies with regulations implementing the final Health Insurance Portability and Accountability Act (HIPAA) rules concerning wellness program incentives, as amended by the Affordable Care Act (ACA), will be in compliance with the ADA.

Summary of Legal Basis: The ADA requires the EEOC to issue regulations implementing title I of the Act. The EEOC initially issued regulations in 1991 on the law's requirements and prohibited practices with respect to employment and issued amended regulations in 2011 to conform to changes to the ADA made by the ADA Amendments Act of 2008. These proposed revisions are based on that statutory requirement.

Alternatives: The EEOC will consider all alternatives offered by public commenters.

Anticipated Cost and Benefits: Based on the information currently available, the Commission does not anticipate that the rule will impose additional costs on employers, beyond minimal costs to train human resource professionals. The regulation does not impose any new employer reporting or recordkeeping obligations. We anticipate that the changes will benefit entities covered by title I of the ADA by generally promoting consistency between the ADA and HIPAA, as amended by the ACA, and result in greater predictability and ease of administration.

Risks:

The proposed rule imposes no new or additional risks to employers. The proposal does not address risks to public safety or the environment.

Timetable:

Action	Date	FR Cite
NPRM	04/20/15	80 FR 21659
NPRM Comment Period End.	06/19/15	
Final Action	02/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations.

Government Levels Affected: Federal, Local, State.

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RIN: 3046–AB01

BILLING CODE 6570–01–P

GENERAL SERVICES ADMINISTRATION (GSA)

Regulatory Plan—October 2015

I. Mission and Overview

GSA oversees the business of the Federal Government by supplying Federal purchasers with cost-effective, high-quality products and services from commercial vendors providing workplaces for Federal employees, overseeing the preservation of historic Federal properties, providing tools, equipment, and non-tactical vehicles to the U.S. military, and providing State and local governments with law enforcement equipment, firefighting and rescue equipment, and disaster recovery products and services.

GSA's work is done through the Federal Acquisition Service (FAS), the Public Buildings Service (PBS), and the Office of Government-wide Policy (OGP).

Federal Acquisition Service (FAS)

FAS is the lead organization for procurement of products and services (other than real property) for the Federal Government and leverages the buying power of the Government by consolidating Federal agencies' requirements for common goods and services.

Public Buildings Service (PBS)

PBS is the largest public real estate organization in the United States, providing facilities and workspace solutions to more than 60 Federal agencies PBS' activities fall into two broad areas. The first is space acquisition through both leases and construction. PBS translates general needs into specific requirements, marshals the necessary resources, and delivers the space necessary to meet the respective missions of its Federal clients. The second area is management of space. This involves making decisions on maintenance, servicing tenants, and ultimately, deciding when and how to dispose of a property at the end of its useful life.

Office of Government-Wide Policy (OGP)

OGP sets Government-wide policy in the areas of personal and real property, travel and transportation, information technology, regulatory information, and use of Federal advisory committees. OGP also helps direct how all Federal supplies and services are acquired as well as GSA's own acquisition programs.

OGP's policy regulations are described below:

Office of Asset and Transportation Management (Federal Travel Regulation)

Federal Travel Regulation (FTR) enumerates the travel and relocation policy for all title 5 Executive agency employees. The FTR is the regulation contained in 41 Code of Federal Regulations (CFR), chapters 300 through 304, that implements statutory requirements and executive branch policies for travel by Federal civilian employees and others authorized to travel at Government expense.

Office of Asset and Transportation Management (Federal Management Regulation)

Federal Management Regulation (FMR) establishes policy for aircraft, transportation, personal property, real property, and mail management. The FMR is the successor regulation to the Federal Property Management Regulation (FPMR), and it contains updated regulatory policies originally found in the FPMR.

Office of Acquisition Policy (General Services Administration Acquisition Manual (GSAM) and the General Services Administration Acquisition Regulation (GSAR))

GSA's internal rules and practices on how it buys goods and services from its business partners are covered by the General Services Administration Acquisition Manual (GSAM), which implements and supplement the Federal Acquisition Regulation at GSA. The GSAM comprises both a non-regulatory portion (GSAM), which reflects policies with no external impact, and a regulatory portion, the General Services Administration Acquisition Regulation (GSAR). The GSAR establishes agency acquisition regulations that affect GSA's business partners (*e.g.* prospective offerors and contractors) and acquisition of leasehold interests in real property.

Federal Acquisition Regulation

On behalf of the General Services Administration (GSA), the Office of Government-wide Policy, in conjunction with Department of Defense (DOD) and National Aeronautics and Space Administration (NASA), write and sign the Federal Acquisition Regulation (FAR), the rule book for all federal agency procurements that governs the billions of contract dollars expended by the Government every year.

II. Statement of Regulatory and Deregulatory Priorities

FTR Regulatory Priorities

In fiscal year 2016, GSA plans to amend the FTR by:

- Revising Chapter 301, Temporary Duty Travel, ensuring accountability and transparency. This revision will ensure agencies' travel for missions is efficient and effective, reduces costs, promotes sustainability, and incorporates industry best practices at the lowest logical travel cost.
- Revising Chapter 302, Relocation Allowances for miscellaneous items based on administrative changes, case decisions, and agency review.

FMR Regulatory Priorities

In fiscal year 2016, GSA plans to amend the FMR by:

- Revising rules regarding management of Federal real property;
- Revising rules regarding management of Federal personal property.
- Revising rules under management of mail and transportation.

GSAR Regulatory Priorities

GSA plans, to update the GSAR to maintain consistency with the Federal Acquisition Regulation (FAR) and to implement streamlined and innovative acquisition procedures that contractors, offerors, and GSA contracting personnel can utilize when entering into and administering contractual relationships. Current GSAR initiatives are focused on—

- Providing consistency with the FAR;
- Eliminating coverage that duplicates the FAR or creates inconsistencies within the GSAR;

• Rewriting sections that have become irrelevant because of changes in technology or business processes or that place unnecessary administrative burdens on contractors and the Government;
• Streamlining or simplifying the regulation;
• Rolling up coverage from the services and regions/zones that should be in the GSAR, specifically targeting PBS's construction contracting policies and the GSA Schedules Program;
• Streamlining the evaluation process for contracts containing commercial supplier agreements; and
• Reviewing pricing practices for the GSA Schedules Program.

Regulations of Concern to Small Businesses

GSAR rules are relevant to small businesses that do or wish to do business with the Federal Government. GSA is reviewing regulations that govern the GSA Schedules program; approximately 17,300 businesses, most of whom are small, have GSA Schedule contracts.

GSAR Case 2013–G504, Transactional Data Reporting and GSAR Case 2013–G502, Federal Supply Schedules Administrative Changes are both of interest to GSA proposed a rule to capture transactional data, and in return eliminate the requirement for contractors to track prices offered to the customer or class of customers designated for purposes of the Price Reductions Clause. Among other benefits, GSA anticipates this rule to result in a net burden reduction to GSA Schedule contractors and reduce the need for costly, duplicative contract vehicles, thereby reducing the barrier to entry for small businesses in the Federal marketplace. GSAR Case 2013–G502, Federal Supply Schedules Administrative Changes updates the GSA Schedules program to implement long standing Schedules clauses that had previously never received public comment.

Additionally, GSAR case 2015–G512 Unenforceable Commercial Supplier Agreement Terms will propose a way to streamline the evaluation process to award contracts containing commercial supplier agreements. By streamlining this process, GSA anticipates reducing barriers to entry for small businesses.

Regulations Which Promote Open Government and Disclosure

There are currently no regulations which promote open Government and disclosure.

III. Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (July, 2015), the GSA retrospective review and analysis final and updated regulations plan can be found at *www.gsa.gov/improvingregulations*.

	Completed actions
3090–AI79	Federal Management Regulation (FMR); FMR Case 2008–102–4, Mail Management, Financial Requirements for All Agencies.
3090–AI81	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2008–G509, Rewrite GSAR 536, Construction and Architect-Engineer Contracts (Withdrawn).
3090–AI82	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2006–G506, Environment, Conservation, Occupational Safety, and Drug-Free Workplace.
3090–AI95	Federal Travel Regulation (FTR); FTR Case 2009–307, Temporary Duty (TDY) Travel Allowances (Taxes); Relocation Allowances (Taxes).
3090–AJ23	Federal Travel Regulation (FTR); FTR Case 2011–310; Telework Travel Expenses Test Programs.
3090–AJ26	Federal Management Regulation (FMR); FMR Case 2012–102–2; Donation of Surplus Personal Property.
3090–AJ27	Federal Travel Regulation (FTR); FTR Case 2012–301; Removal of Conference Lodging Allowance Provisions.
3090–AJ31	General Service Administration Acquisition Regulation (GSAR); GSAR Case 2012–G503, Industrial Funding Fee (IFF) and Sales Reporting.
3090–AJ34	Federal Management Regulation (FMR); FMR Case 2012–102–5, Restrictions on International Transportation of Freight and Household Goods.
3090–AJ35	Federal Management Regulation (FMR); FMR Case 2013–102–1; Obligating Authority.
3090–AJ36	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2012–G501, Electronic Contracting Initiative.
3090–AJ42	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2010–G511, Purchasing by Non-Federal Entities.
3090–AJ46	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G501; Qualifications of Offerors.
3090–AJ47	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2014–G501; Progressive Awards and Monthly Quantity Allocations.

Dated: September 18, 2015.

Christine Harada,

Associate Administrator, Office of Government-wide Policy.

BILLING CODE 6820–34–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Statement of Regulatory Priorities

The National Aeronautics and Space Administration (NASA) aim is to increase human understanding of the solar system and the universe that contains it, and to improve American aeronautics ability. NASA's basic organization consists of the Headquarters, nine field Centers, the Jet Propulsion Laboratory (a Federally Funded Research and Development Center), and several component installations which report to Center Directors. Responsibility for overall planning, coordination, and control of NASA programs is vested in NASA Headquarters located in Washington, DC.

NASA continues to implement programs according to its 2014 Strategic Plan. The Agency's mission is to ''Drive advances in science, technology, aeronautics, and space exploration to enhance knowledge, education, innovation, economic vitality, and stewardship of the Earth.'' The FY 2014 Strategic Plan, (available at *http://www.nasa.gov/sites/default/files/files/2014* NASA Strategic Plan.pdf), guides NASA's program activities through a framework of the following three strategic goals:

• *Strategic Goal 1:* Expand the frontiers of knowledge, capability, and opportunity in space.

• *Strategic Goal 2:* Advance understanding of Earth and develop

technologies to improve the quality of life on our home planet.

• *Strategic Goal 3:* Serve the American public and accomplish our mission by effectively managing our people, technical capabilities, and infrastructure.

In the decades since Congress enacted the National Aeronautics and Space Act of 1958, NASA has challenged its scientific and engineering capabilities in pursuing its mission, generating tremendous results and benefits for humankind. NASA will continue to push scientific and technical boundaries in pursuit of these goals.

International Regulatory Cooperation

As the President noted in Executive Order 13609, ''international regulatory cooperation, consistent with domestic law and prerogatives and U.S. trade policy, can be an important means of promoting'' public health, welfare, safety, and our environment as well as economic growth, innovation, competitiveness, and job creation. Accordingly, in Executive Order 13609, the President requires each executive agency to include in its Regulatory Plan a summary of its international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

In August 2009, the President directed a broad-based interagency review of the U.S. export control system, with the goal of strengthening national security by focusing efforts on controlling the most critical products and technologies and by enhancing the competitiveness of U.S. manufacturing and technology sectors. While NASA does not have any regulations implementing this initiative, the Agency does serve on the interagency review team in a consultative and supportive role for this process, along with the Department of Defense, the Department of State and the Department of Commerce.

In addition, NASA serves as one of the signatories to the Federal Acquisition Regulation (FAR). The FAR at 48 CFR chapter 1, contains procurement regulations that apply to NASA and other Federal agencies. Pursuant to 41 U.S.C. section 1302 and FAR 1.103(b), the FAR is jointly prepared, issued, and maintained by the Secretary of Defense, the Administrator of General Services, and the Administrator, National Aeronautics and Space Administration, under their several statutory authorities. NASA implements and supplements FAR requirements through the NASA FAR Supplement (NFS), 48 CFR chapter 18. NASA finalized the entire NFS rewrite initiative this year to eliminate unnecessary and burdensome regulations, clarify regulatory language, and simplify processes. More than 1.9 million hours of information collection requirements (ICRs) were identified as no longer required and duplicative of active FAR-level ICRs. Specifically, OMB control numbers 2700–0085, 2700–0086, and 2700–0087 were discontinued as part of the NFS rewrite initiative. The Agency will continue to analyze the NFS to implement procurement-related statutes, Executive orders, NASA initiatives, and Federal procurement policy that streamline current processes and procedures.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13579 ''Regulation and Independent Regulatory Agencies'' (Jul. 11, 2011), NASA regulations associated with its retrospective review and analysis are described in the Agency's final retrospective plan of existing regulations. NASA's final plan and updates can be found at *http://www.nasa.gov/open*, under the Open Government News. Below describes the rulemakings that were recently completed or are near completion.

Rulemakings That Were Streamlined and Reduced Unjustified Burdens

1. Discrimination on Basis of Handicap [14 CFR 1251]—NASA is finalizing its section 504 regulations to incorporate changes to the definition of disability required by the Americans with Disabilities Act (ADA) Amendments Act of 2008, include an affirmative statement of the longstanding requirement for reasonable accommodations in programs, services, and activities, include a definition of direct threat and a provision describing the parameters of the existing direct threat defense to a claim of discrimination, clarify the existing obligation to provide auxiliary aids and services to qualified individuals with disabilities, update the methods of communication that recipients may use to inform program beneficiaries of their obligation to comply with section 504 to reflect changes in technology, adopt updated accessibility standards applicable to the design, construction, and alteration of buildings and facilities, establish time periods for compliance with these updated accessibility standards, provide NASA with access to recipient data and records to determine compliance with section 504, and make administrative updates to correct titles. These amendments will reduce administrative burdens imposed on the public.

2. NASA FAR Supplement: Safety and Health Measures and Mishap Reporting [48 CFR 1852.233]—NASA is finalizing its regulations to revise a current clause related to safety and health measures and mishaps reporting by narrowing the application of the clause, resulting in a decrease in the reporting burden on contractors while reinforcing the measures contractors at NASA facilities must take to protect the safety of their workers, NASA employees, the public, and high value assets These amendments will streamline and reduce reporting requirements imposed on the public.

3. NASA FAR Supplement: Drug and Alcohol Free Workplace and Mission Critical Systems Personnel Reliability Program [48 CFR 1823, 1846, and 1852]—NASA amended its regulations to remove requirements related to the discontinued Space Flight Mission Critical System Personnel Reliability Program (PRP) and to revise requirements related to contractor drug and alcohol testing. These amendments eliminated contractors' costs and burden for implementing PRP [80 FR 60552].

4. Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards [2 CFR 1800]—NASA amended is regulations to incorporate requirements for the use of the Federal Awardee Performance & Integrity Information Systems, in accordance with OMB's uniform guidance. These amendments are expected to reduce duplication and risk associated with administering grants and cooperative agreements; the chance of errors, and allows for the timely closeout of grants and cooperative agreements [80 FR 54701].

5. NASA Far Supplement: Denied Access to NASA Facilities [48 CFR 1852.242–72]—NASA amended its regulations to remove ''Observance of Legal Holidays'' and added in its place a new clause entitled, ''Denied Access to NASA Facilities,'' because the October 2013 Government shutdown revealed a need for NASA to be specific and differentiate between conditions when contractor employees may be denied access to their work location in a NASA facility. These amendments standardize procedures and provide greater clarity to contractors on conditions when contractors may be denied access to NASA facilities due to a Government shutdown [80 FR 52642].

6. NASA FAR Supplement #3—NASA amended its regulations to eliminate unnecessary regulatory text, streamline overly-burdensome regulations, clarify language, and simplify processes where possible [80 FR 36719].

Rulemakings That Was Modified, Streamlined, Expanded, or Repealed

7. Space Flight [14 CFR 1214]—NASA is proposing to amend its regulations to remove language that refers to the retired Space Shuttle Program and to clarify language for other ongoing programs that requires some of this rule to remain in place.

8. NASA Protective Services [14 CFR 1204]—NASA is amending its traffic enforcement regulation to correct citations, and to clarify the regulation's scope, policy, responsibilities, procedures, and violation descriptions.

9. Processing of Monetary Claims [14 CFR 1261]—NASA is amending its regulations to change the amount to collect installment payments from $20,000 to $1000 to align with Title II, Claims of the United States Government, section 3711(a)(2) Collection and Compromise. This regulation will also be amended to include the rules for the use of contractors for debt collection and new provisions allowing for debts to be transferred to the Treasury Department for direct collection, as prescribed by Federal Debt Collection Procedures Act of 1990.

10. Duty Free Entry of Space Articles [14 CFR 1217]—NASA amended its regulations to remove language that refers to the Space Shuttle Program and to clarify language for other ongoing programs that require some of this rule to remain in place [80 FR 45864].

11. Removal of Obsolete Regulations [14 CFR 1216]—NASA amended its regulations to remove regulatory text that is covered in internal NASA policies and requirements [80 FR 30352].

12. Administrative Updates [14 CFR 1207, 1245, 1262, 1263, 1264, & 1266] NASA amended its regulations to make administrative updates to correct spelling citations [80 FR 42028].

Rulemaking That Is of Particular Concerns to Small Business

13. NASA Capitalization Threshold [48 CFR 1845 and 1852]—NASA issued an interim rule amending the NASA FAR Supplement to increase the NASA capitalization threshold from $100,000 to $500,000. The Government Accountability Office (GAO) recommends that capital asset thresholds should be periodically reevaluated to ensure their continuing relevance and that they are established at a level that would not omit a significant amount of assets from the balance sheet. Accordingly, the NASA Office of the Chief Financial Officer conducted a review of the current NASA capital asset threshold of $100,000 and determined an increase in the capital asset threshold to $500,000 was warranted. NASA expects this rule to benefit NASA contractors by reducing some of the administrative burden associated with financial reporting of NASA property in the custody of contractors. Of the 568 NASA contracts awarded in 2014, approximately 114 contracts (20%) that required reporting of Government property were awarded to small businesses. [80 FR 51957].

Abstracts for other regulations that will be amended or repealed between October 2015 and October 2016 are reported in the fall 2015 edition of Unified Agenda of Federal Regulatory and Deregulation actions.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Statement of Regulatory Priorities

Overview

The National Archives and Records Administration (NARA) primarily issues regulations directed to other Federal agencies and to the public. These regulations include records management, information services, access to and use of NARA holdings, and grant programs. For example, records management regulations directed to Federal agencies concern the proper management and disposition of Federal records. Through the Information Security Oversight Office (ISOO), NARA also issues Government-wide regulations concerning information security classification and declassification programs. NARA regulations directed to the public address access to and use of our historically valuable holdings, including archives, donated historical materials, Nixon Presidential materials, and Presidential records. NARA also issues regulations relating to the National Historical Publications and Records Commission (NHPRC) grant programs.

NARA has three regulatory priorities for fiscal year 2016, which are included in The Regulatory Plan. The first are revisions to the Federal records management regulations found at 36 CFR chapter XII, subchapter B (phases I and II). The proposed changes include changes resulting from the 2011 Presidential Memorandum on Managing Government Records, the 2012 Managing Government Records Directive (M–12–18), and Public Law 113–187, The Presidential and Federal Records Acts Amendments of 2014. The proposed rules will affect Federal agencies' records management programs relating to proper records creation and maintenance, adequate documentation, electronic recordkeeping requirements, use of the Electronic Records Archive (ERA) for records transfer, and records disposition. Phase I (RIN 3095–AB74) includes changes to provisions in 36 CFR parts 1223 (Managing Essential Records), 1224 (Records Disposition Programs), 1227 (General Records Schedules), 1229 (Emergency Authorization to Destroy Records), 1232 (Transfer of Records to Records Storage Facilities), 1233 (Transfer Use and Disposition of Records in a NARA Federal Records Center), 1235 (Transfer of Records to the National Archives of the United States), 1236 (Electronic records management), 1237 (Audiovisual Cartographic and Related Records Management), and 1239 (Program Assistance and Inspections). NARA has substantially revamped these provisions and they are out for public comment this fall. Phase II (RIN 3095–AB85) is underway, with the remaining parts of subchapter B currently undergoing revision.

The second priority is a new regulation on Controlled Unclassified Information (CUI). The Information Security Oversight Office (ISOO), a component of NARA, is promulgating this rule pursuant to Executive Order 13556. The Order establishes an open and uniform program for managing information requiring safeguarding or dissemination controls. This rule sets forth guidance to agencies on safeguarding, disseminating, marking, and decontrolling CUI, self-inspection and oversight requirements, and other facets of the program.

And the third priority is a new regulation on the Office of Government Information Services functions and procedures. The Open Government Act of 2007 (Pub. L. 110–175, 121 Stat. 2524), amended the Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended), and created the Office of Government Information Services (OGIS) within the National Archives and Records Administration (NARA). OGIS is proposing regulations, pursuant to 44 U.S.C. 2104, to clarify, elaborate upon, and specify the procedures in place for Federal agencies and public requesters who seek OGIS's services within the FOIA system. The regulations will specify the means by which OGIS carries out its role as the Federal FOIA Ombudsman—by working with Federal agencies to provide an alternative to litigation in resolving FOIA disputes, by independently reviewing agency FOIA policies,

procedures, and compliance, and by recommending improvements to FOIA's administration.

BILLING CODE 7515–01–P

U.S. OFFICE OF PERSONNEL MANAGEMENT

Statement of Regulatory and Deregulatory Priorities

Fall 2015 Unified Agenda

I. Mission and Overview

OPM works in several broad categories to recruit, retain and honor a world-class workforce for the American people.

- We manage Federal job announcement postings at USAJOBS.gov, and set policy on governmentwide hiring procedures.
- We conduct background investigations for prospective employees and security clearances across government, with hundreds of thousands of cases each year.
- We uphold and defend the merit systems in Federal civil service, making sure that the Federal workforce uses fair practices in all aspects of personnel management.
- We manage pension benefits for retired Federal employees and their families. We also administer health and other insurance programs for Federal employees and retirees.
- We provide training and development programs and other management tools for Federal employees and agencies.
- In many cases, we take the lead in developing, testing and implementing new governmentwide policies that relate to personnel issues.

Altogether, we work to make the Federal government America's model employer for the 21st century.

II. Statement of Regulatory and Deregulatory Priorities

Management Priorities

- Personnel Management in Agencies

3206–AL98

The U.S. Office of Personnel Management (OPM) will reissue a new proposed rule that will provide regulatory definitions for various documents related to the strategic management of human resources, clarify requirements regarding the systems and metrics for managing human resources in the Federal Government, streamline/clarify procedures agencies are required to follow, eliminate the Human Capital Management Report, and reflect the planning and reporting requirements of the Government Performance and Results Modernization Act.

- Human Resources Management Reporting Requirements

3206–AM69

The U.S. Office of Personnel Management (OPM) is issuing final regulations to remove or amend certain provisions relating to reporting requirements for Federal agencies that OPM has determined—pursuant to Executive Order 13583 of August 18, 2011, ''Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion in the Federal Workforce''—are no longer needed. This Executive order included a requirement for OPM to: ''review applicable directives to agencies related to the development or submission of agency human capital and other workforce plans and reports in connection with recruitment, hiring, promotion, retention, professional development, and training policies and practices, and develop a strategy for consolidating such agency plans and reports where appropriate and permitted by law . . .''

- Senior Employee Performance Management System Certification

3206–AL20

The U.S. Office of Personnel Management (OPM) is proposing changes to the senior employee performance management system certification regulations which will ultimately replace interim regulations published in 2004. Proposed changes reflect lessons learned from several years of certifying agency Senior Executive Service (SES) and Senior-Level (SL) and Scientific and Professional (ST) performance management systems and recommendations from a cross-agency workgroup.

Hiring Priorities

- Veterans' Preference

3206–AM79

The U.S. Office of Personnel Management (OPM) issued interim regulations to implement statutory changes pertaining to veterans' preference. These changes were in response to the Hubbard Act, which broadened the category of individuals eligible for veterans' preference; and to implement the VOW (Veterans Opportunity to Work) to Hire Heroes Act of 2011, which requires Federal agencies to treat certain active duty service members as preference eligibles for purposes of competing for a position in the competitive service, even though the service members have not been discharged or released from active duty and do not have a Department of Defense (DD) form 214, Certificate of Release or Discharge from Active Duty. In addition, OPM updated its regulations to reference existing requirements for the alternative ranking and selection procedure called ''category rating;'' and to add a reference to the end date of Operation Iraqi Freedom, which affected veteran status and preference eligibility. This action will align OPM's regulations with the existing statute.

- Suitability

3206–AN25

The Office of Personnel Management (OPM) will be proposing modifications to its rules to better ensure that applicants from all segments of society, including those with prior criminal histories, receive a fair opportunity to compete for Federal employment. The proposed changes would prohibit the collection of criminal background information until the best qualified candidates are referred to a hiring manager. These regulations would better ensure that applicants are evaluated as to relevant competencies before criminal history information is collected. OPM would be providing a mechanism for requesting exceptions when there are legitimate, specific job-related, reasons why agencies may need to disqualify candidates with certain types of adverse history from particular types of positions.

Health Benefit Priorities

- Federal Employees Health Benefits Program: Family Member Disenrollments and Process for Removal

3206–AN09

The U.S. Office of Personnel Management (OPM) is issuing a proposed rule to clarify the process for removing ineligible individuals from Federal Employees Health Benefits (FEHB) Program Self and Family enrollments.

Pay and Leave Priorites

○ Compensatory Time Off for Religious Observances

3206–AL55

The U.S. Office of Personnel Management (OPM) will issue a final rule regarding compensatory time off for religious observances. The final regulation will address comments to the proposed rule (78 FR 53695), and will clarify employee and agency responsibilities, provide timeframes for earning and using religious compensatory time off, and define key terms.

○ Family and Medical Leave Act; Definition of Spouse

3206–AM90

The U.S. Office of Personnel Management (OPM) is revising the definition of ''spouse'' in its regulations on the Family and Medical Leave Act (FMLA) as a result of the decision by the United States Supreme Court in *United States* v. *Windsor,* holding Section 3 of the Defense of Marriage Act (DOMA) unconstitutional.

III. Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (July, 2015), the OPM retrospective review and analysis final and updated regulations plan can be found at *https://www.opm.gov/about-us/open-government/accountability/.*

OFFICE OF PERSONNEL MANAGEMENT—COMPLETED ACTIONS

Title	Regulation Identifier No.
Managing Senior Executive Performance	3206–AM48
Designation of National Security Positions In the Competitive Service, and Related Matters	3206–AM73
Prevailing Rate Systems; Redefinition of the Jacksonville, FL; Savannah, GA; Hagerstown-Martinsburg-Chambersburg, MD; Richmond, VA; and Roanoke, VA, Appropriated Fund Federal Wage System Wage Areas	3206–AN15
Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees	3206–AN16
Federal Employees' Group Life Insurance Program: Providing Option C Coverage for Children of Same-Sex Domestic Partners	3206–AN04
Federal Employees Health Benefits Program; Disputed Claims and External Review Requirements	3206–AM42
Federal Employees Health Benefits Program; Rate Setting for Community-Rated Plans	3206–AN00
Federal Employees Health Benefits Program Self Plus One Enrollment Type	3206–AN08
Federal Employees Health Benefits Program: FEHB Plan Performance Assessment System	3206–AN13
Federal Employees Health Benefits Program; Subrogation and Reimbursement Recovery	3206–AN14
Prevailing Rate Systems; Special Wage Schedules for U.S. Army Corps of Engineers Flood Control Employees of the Vicksburg District in Mississippi	3206–AN17
Overtime Pay for Border Patrol Agents	3206–AN19
Federal Long-Term Care Insurance Program Eligibility Changes	3206–AN05
Federal Employees Health Benefits Program: Enrollment Options Following the Termination of a Plan or Plan Option	3206–AN07
General Schedule Locality Pay Areas	3206–AM88

Beth F. Cobert,

Acting Director Office of Personnel Management.

BILLING CODE 6325–44–P

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Statement of Regulatory and Deregulatory Priorities

The Pension Benefit Guaranty Corporation (PBGC) protects the pensions of more than 40 million people in more than 25,000 private-sector defined benefit plans. PBGC receives no tax revenues. Operations are financed by insurance premiums, investment income, assets from pension plans trusteed by PBGC, and recoveries from the companies formerly responsible for the trusteed plans.

To carry out these functions, PBGC issues regulations on such matters as termination, payment of premiums, reporting and disclosure, and assessment and collection of employer liability. The Corporation is committed to issuing simple, understandable, flexible, and timely regulations to help affected parties.

PBGC continues to follow a regulatory approach that does not inadvertently discourage the maintenance of existing defined benefit plans or the establishment of new plans. Thus, in developing new regulations and reviewing existing regulations, the focus, to the extent possible, is to avoid placing burdens on plans, employers, and participants, and to ease and simplify employer compliance. PBGC particularly strives to meet the needs of small businesses that sponsor defined benefit plans.

PBGC develops its regulations in accordance with the principles set forth in Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), and PBGC's Plan for Regulatory Review (Regulatory Review Plan).[1] This Statement of Regulatory and Deregulatory Priorities reflects PBGC's ongoing implementation of its Regulatory Review Plan.

[1] *http://www.pbgc.gov/documents/plan-for-regulatory-review.pdf* . Progress reports on the plan can be found at *http://www.pbgc.gov/res/laws-and-regulations/reducing-regulatory-burden.html.*

PBGC Insurance Programs

PBGC administers two insurance programs for privately defined benefit plans under title IV of the Employee Retirement Income Security Act of 1974 (ERISA):

• *Single-Employer Program.* Under the single-employer program, when a plan terminates with insufficient assets to cover all plan benefits (distress and involuntary terminations), PBGC pays plan benefits that are guaranteed under title IV. PBGC also pays nonguaranteed plan benefits to the extent funded by plan assets or recoveries from employers.

• *Multiemployer Program.* The smaller multiemployer program covers approximately 1,400 collectively bargained plans involving more than one unrelated employer. PBGC provides financial assistance (in the form of a loan) to the plan if the plan is unable to pay benefits at the guaranteed level. The guarantee is differently structured from and generally significantly smaller than the single-employer guarantee.

At the end of FY 2014, PBGC had a deficit of about $62 billion in its

insurance programs. Current PBGC premiums are insufficient.

Regulatory Objectives and Priorities

PBGC's regulatory objectives and priorities are developed in the context of the Corporation's statutory purposes:

- To encourage voluntary private pension plans.
- To provide for the timely and uninterrupted payment of pension benefits.
- To keep premiums at the lowest possible levels.

Pensions and the statutory framework in which they are maintained and terminate are complex. Despite this complexity, PBGC is committed to issuing simple, understandable, flexible, and timely regulations and other guidance that do not impose undue burdens that could impede maintenance or establishment of defined benefit plans.

Through its regulations and other guidance, PBGC strives to minimize burdens on plans, plan sponsors, and plan participants; simplify filing; provide relief for small businesses and plans; and assist plans in complying with applicable requirements. To enhance policy-making through collaboration, PBGC also plans to expand opportunities for public participation in rulemaking (see Open Government and Public Participation below).

PBGC's current regulatory objectives and priorities are to simplify its regulations and reduce burden, enhance retirement security, and to implement statutory changes, particularly the Multiemployer Pension Reform Act of 2014 (MPRA) and the Pension Protection Act of 2006 (PPA 2006).

Rethinking Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in the Department's final retrospective review of regulations plan. The regulatory actions associated with these RINs, as well as other regulatory review projects, are described below.

Title	RIN	Effect on small business
Annual Financial and Actuarial Information Reporting; Changes to Waivers	1212–AB30	Expected to reduce burden on small business.
Reportable Events	1212–AB06	Expected to reduce burden on small business.
Multiemployer Plans; Electronic Filing Requirements	1212–AB28	Expected to reduce burden on small business.
Valuation assumptions and methods; interest and mortality	1212–AB25	Undetermined.

ERISA section 4010. PBGC reviewed its regulation on Annual Financial and Actuarial Information Reporting (part 4010) and the related e-filing application to consider ways of reducing reporting burden and ensuring that PBGC receives the critical information it needs. In July 2015, PBGC published a proposed rule [2] that would modify the existing reporting waiver for companies with aggregate underfunding of less than $15 million in all their plans. This change would better align the regulation with the original intent of generally limiting 4010 reporting relief to smaller plans. The proposal would also add two new reporting waivers, codify the guidance provided in recent statutory changes and related PBGC guidance on 4010 reporting, and make other technical changes. PBGC expects to publish a final rule early in FY 2016.

Reportable events. ERISA section 4043 and PBGC's implementing regulation requires that pension plans and the companies that sponsor them give PBGC notice of various events affecting either the company or the plan that may signal financial problems and could potentially put pensions at risk. In September 2015, PBGC published a final rule [3] that will provide the majority of sponsors and plans with increased flexibility to determine whether a reporting waiver will apply. Under the new rules, reporting will be limited to situations that pose the greatest risk to the pension insurance system. The final rule was developed in response to comments on two earlier proposals, discussion at PBGC's first-ever regulatory hearing, and Executive Order 13563.

Multiemployer plans filing requirements. In September 2015, PBGC published a final rule [4] that will require electronic filing of certain multiemployer plan notices. These changes will make the provision of information to PBGC more efficient and effective and result in a slight decrease in burden on the public.

Valuation assumptions and methods; interest and mortality. PBGC has established a routine, periodic review of PBGC's regulations and policies to ensure that the actuarial and economic content remains current. PBGC plans to publish a proposed rule in FY 2016 that would amend its benefit valuation and asset allocation regulations by improving its valuation assumptions and methods. Chief among the modifications PBGC is considering are modifications to mortality rates and the format of its interest factors.

Retirement Security

DC to DB plan rollovers. In November 2015, PBGC published a final rule [5] that clarifies the treatment of benefits resulting from a rollover distribution from a defined contribution plan to a defined benefit plan, if the defined benefit plan was terminated and trusteed by PBGC.[6] Under the final regulation, a benefit resulting from rollover amounts generally will not be subject to PBGC's maximum guaranteeable benefit or phase-in limitations and will be in the second highest priority category of benefits in the allocation of assets. This rulemaking was part of PBGC's efforts to enhance retirement security by promoting lifetime income options.

Statutory Implementation

MPRA. MPRA established new options for trustees of multiemployer plans that will potentially run out of money to apply to PBGC for financial assistance. In June 2015, PBGC published an interim final rule [7] prescribing the application process and notice requirements for partitions of eligible multiemployer plans under MPRA. PBGC received nine comments

[2] *http://www.pbgc.gov/Documents/2015-18177.pdf.*

[3] *http://www.pbgc.gov/documents/2015-14930.pdf.*

[4] *http://www.gpo.gov/fdsys/pkg/FR-2015-09-17/pdf/2015-23361.pdf.*

[5] *http://www.gpo.gov/fdsys/pkg/FR-2014-11-25/pdf/2014-27826.pdf.*

[6] 79 FR 18483 (Apr. 2, 2014), *http://www.pbgc.gov/documents/2014-07323.pdf.*

[7] *http://www.pbgc.gov/documents/2015-14930.pdf.*

on the interim final rule and expects to issue a new final rule in December 2015. PBGC is also developing a proposed rule that would prescribe rules for facilitated mergers of multiemployer plans under MPRA and conform the existing regulation to changes in the law. PBGC expects to publish that proposal in December 2015.

Cash balance plans. PPA 2006 changed the rules for determining benefits in cash balance plans and other statutory hybrid plans. In October 2011, PBGC published a proposed rule implementing the changes in both PBGC-trusteed plans and in plans that close out in the private sector.[8] Now that Treasury has issued final regulations on statutory hybrid plans, PBGC is developing a final rule, which it expects to publish early in FY 2016.

Missing participants. A major focus of PBGC's current regulatory efforts is the development of a proposal to improve and expand the existing missing participants program. As authorized by PPA 2006, the expanded program will cover terminating defined contribution plans, non-covered defined benefit plans, and multiemployer plans. The proposal will take into account comments received from employers, plans, and other stakeholders in response to a 2013 Request for Information. PBGC is working with IRS and DOL to coordinate government requirements for dealing with missing participant issues. PBGC expects to publish a proposed regulation early in FY 2016.

Small Businesses

PBGC takes into account the special needs and concerns of small businesses in making policy. A large percentage of the plans insured by PBGC are small or maintained by small employers. PBGC has issued or is considering several proposed rules that will focus on small businesses: *Reportable events. The reportable events final rule discussed above under Retrospective Review of Existing Regulations would waive many reporting requirements for plans with fewer than 100 participants.*

ERISA section 4010. The proposed rule discussed above under *Retrospective Review of Existing Regulations* would preserve the existing waiver reporting waiver tied to aggregate underfunding of less than $15 million for sponsors of smaller plans.

Missing participants. The missing participants proposed rule discussed above under PPA 2006 Implementation would benefit small businesses by simplifying and streamlining current requirements, better coordinating with requirements of other agencies, and providing more options for sponsors of terminating non-covered plans.

Open Government and Increased Public Participation

PBGC is doing more to encourage public participation in the regulatory process. For example, PBGC's current efforts to reduce regulatory burden are in substantial part a response to public comments. The regulatory projects discussed above highlight PBGC's customer-focused efforts to reduce regulatory burden.

PBGC's Regulatory Review Plan sets forth ways to expand opportunities for public participation in the regulatory process. For example, in June 2013, PBGC held its first-ever regulatory hearing on the reportable events proposed rule, so that the agency would have a better understanding of the needs and concerns of plan administrators and plan sponsors. Discussion at that hearing informed PBGC's final rule. PBGC's 2015 Request for Information[9] on partitions and facilitated mergers under MPRA is an example of PBGC's efforts to solicit public participation in the regulatory process.

PBGC plans to provide additional means for public involvement, including on-line town hall meetings, social media, and continuing opportunity for public comment on PBGC's Web site.

PBGC also invites comments on the Regulatory Review Plan on an on-going basis as we engage in the review process. Comments should be sent to *regs.comments@pbgc.gov*.

PBGC will continue to look for ways to further improve its regulations.

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U.S. SMALL BUSINESS ADMINISTRATION (SBA)

Statement of Regulatory Priorities

Overview

The mission of the U.S. Small Business Administration (SBA) is to maintain and strengthen the Nation's economy by enabling the establishment and viability of small businesses and by assisting in economic recovery of communities after disasters. In carrying out this mission, SBA strives to improve the economic environment for small businesses, including those in areas that have significantly higher unemployment and lower income levels than the Nation's averages and those in traditionally underserved markets. The Agency serves as a guarantor of small business loans, and also provides management and technical assistance to existing or potential small business owners through various grants, cooperative agreements or contracts. This access to capital and other assistance provides a crucial foundation for those starting a new business, or growing an existing business and ultimately helps to create new jobs. SBA also provides direct financial assistance to homeowners, renters, and small business to help in the rebuilding of communities in the aftermath of a disaster.

Reducing Burden on Small Businesses

SBA's regulatory policy reflects a commitment to developing regulations that reduce or eliminate the burden on the public, in particular the Agency's core constituents—small businesses. SBA's regulatory process generally includes an assessment of the costs and benefits of the regulations as required by Executive Order 12866, ''Regulatory Planning and Review;'' Executive Order 13563, ''Improving Regulation and Regulatory Review;'' and the Regulatory Flexibility Act. SBA's program offices are particularly invested in finding ways to reduce the burden imposed by the Agency's core activities in its loan, innovation, and procurement programs.

Openness and Transparency

SBA promotes transparency, collaboration, and public participation in its rulemaking process. To that end, SBA routinely solicits comments on its regulations. Where appropriate, SBA also conducts hearings, webinars, and other public events as part of its regulatory process.

Regulatory Framework

The SBA's FY 2014 to FY 2018 strategic plan serves as the foundation for the regulations that the Agency will develop during the next twelve months. This Strategic Plan provides a framework for strengthening, streamlining, and simplifying SBA's programs while leveraging collaborative relationships with other agencies and the private sector to maximize the tools small business owners and entrepreneurs need to drive American innovation and strengthen the economy. The plan sets out three strategic goals: (1) Growing businesses and creating jobs; (2) serving as the voice for small business; and (3) building an SBA that meets the needs of today's and tomorrow's small businesses. In order to

[8] 76 FR 67105 (Oct. 31, 2011), *http://www.pbgc.gov/Documents/2011-28124.pdf.*

[9] *http://www.pbgc.gov/documents/2015-03434.pdf.*

achieve these goals SBA will, among other objectives, focus on:

- Expanding access to capital through SBA's extensive lending network;
- Ensuring Federal contracting goals are met or exceeded by collaborating across the Federal Government to expand opportunities for small businesses and strengthen the integrity of the Federal contracting data and certification process;
- Strengthening SBA's relevance to high growth entrepreneurs and small businesses to more effectively drive innovation and job creation; and
- Mitigating risk and improving program oversight.

The regulations reported in SBA's semi-annual regulatory agenda and plan are intended to facilitate achievement of these goals and objectives. Over the next twelve months, SBA's highest regulatory priorities will be to implement the following regulations and program guidance: (1) Affiliation for Business Loan Programs and Surety Bond Guarantee Program (RIN: 3245–AG73); (2) Small Business Investment Company (SBIC) Program; Impact SBICs (RIN: 3245–AG66); (3) Small Business Mentor-Protégé Programs (RIN: 3245–AG24), (4) Small Business Government Contracting and National Defense Authorization Act of 2013 Amendments (RIN: 3245–AG58), and (5) Small Business Innovation Research Program and Small Business Technology Transfer Program Policy Directive (RIN: 3245–AG64).

(1) Affiliation for Business Loan Programs and Surety Bond Guarantee Program (RIN: 3245–AG73)

This rule will propose to amend SBA's regulations to redefine how the agency determines affiliation as it relates to eligibility for its Surety Bond Guarantee (SBG) Program and the business loan programs, consisting of the 7(a) and 504 Loan Programs and the Business Disaster Loan Programs. SBA has reviewed the applicable regulations and concluded that, in order to expand the reach of these programs and increase accessibility to the benefits the programs offer for small businesses, one of the Agency's priorities will be to simplify guidelines for determining affiliation for program eligibility based on size. The proposed amendments would reduce the regulatory burden on small businesses and SBA participating lenders, streamline delivery of program assistance, and lower the costs related to program participation. As part of its process to develop this rule, SBA solicited and received public feedback in support of simplifying the rules and aligning the requirements with normal commercial industry practices.

(2) Small Business Investment Company (SBIC) Program; Impact SBICs (RIN: 3245–AG66)

This rule proposes to establish a regulatory structure for the SBIC program's Impact Investment Fund initiative, which is currently implemented via policy memorandum. The goal of the Impact Investment Fund is to support small business investment strategies that maximize financial returns while also yielding enhanced social, environmental, or economic impacts as part of the SBIC program's overall effort to supplement the flow of private equity and long-term loan funds to small businesses in underserved communities and the innovative sectors whose capital needs are not being met. The proposed rule supports the development of America's growing impact investing industry by making available a new type of SBIC license called an Impact SBIC to investment funds meeting the SBIC program's licensing qualifications, provides application and examination fee considerations to incentivize impact investing participation, establishes leverage eligibility requirements, and establishes reporting and performance measures for licensed funds to maintain Impact SBIC designation. The proposed rule would require an Impact SBIC to invest at least 50% of its total invested capital in one or both categories of impact investment: (a) SBA-identified impact investments, which are investments in small businesses located in geographic areas and sectors of national priority designated by SBA, such as Low- and Moderate- Income Zones (LMI); and/or (b) fund-identified impact investments, which are investments that meet an SBIC's own definition, subject to SBA's approval, of an ''Impact Investment,'' such as small businesses operating in the clean energy, education or healthcare sectors.

(3) Small Business Mentor-Protégé Programs (RIN: 3245–AG24)

SBA currently has a mentor-protégé program for the 8(a) Business Development Program that is intended to enhance the capabilities of the protégé and to improve its ability to successfully compete for Federal contracts. The Small Business Jobs Act authorized SBA to use this model to establish similar mentor-protégé programs for the Service Disabled Veteran Owned, HUBZone and Women-Owned Small Business Programs. The National Defense Authorization Act for FY 2013 further authorized SBA to extend the availability of mentor-protégé programs to all small business concerns. During the next twelve months, one of SBA's priorities will be to issue final regulations establishing these mentor-protégé programs. The various types of assistance that a mentor will be expected to provide to a protégé include technical and/or management assistance; financial assistance in the form of equity investment and/or loans; subcontracts and/or assistance in performing prime contracts with the Government in the form of joint venture arrangements. The regulatory action would enhance the ability of small business concerns to obtain larger prime contracts that would be normally out of the reach of these businesses. The small business mentor-protégé programs would allow all small businesses to tap into the expertise and capital of larger firms, which in turn would help small business concerns become more competitive in the Federal procurement arena.

(4) Small Business Government Contracting and National Defense Authorization Act of 2013 Amendments (RIN: 3245–AG58)

SBA proposed amending its regulations to implement provisions of the National Defense Authorization Act of 2013, which pertain to performance requirements applicable to small business and socioeconomic program set aside contracts and small business subcontracting. SBA also proposed to amend SBA's regulations concerning the nonmanufacturer rule and affiliation rules. Further, SBA proposed to allow a joint venture to qualify as small for any government procurement as long as each partner to the joint venture qualifies individually as small.

(5) Small Business Innovation Research Program and Small Business Technology Transfer Program Policy Directive (RIN: 3245–AG64):

This proposal seeks to revise the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Policy Directives. Specifically, SBA proposes to combine the two directives into one integrated Directive, clarify the Phase III preference afforded to SBIR and STTR small business awardees, add definitions relating to data rights, clarify the benchmarks for progress towards commercialization, and update language regarding the calculations of extramural Research/Research & Development budgets used to fund the SBIR/STTR programs.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), SBA developed a plan for the retrospective review of its regulations. Since that date SBA has issued several updates to this plan to reflect the Agency's ongoing efforts in carrying out this executive order. The final agency plan and review updates, which can be found at *http://www.sba.gov/about-sba/sba_performance/open_government/retrospective_review_of_regulations,* currently identify the three rules and the policy directive discussed above.

SBA

Proposed Rule Stage

124. Small Business Innovation Research Program and Small Business Technology Transfer Program Policy Directive

Priority: Other Significant.
Legal Authority: 15 U.S.C. 638(p); Pub. L. 112–81, sec 5001, *et seq.*
CFR Citation: 13 CFR Chapter 1.
Legal Deadline: None.
Abstract: SBA reviews its Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) program policy directives regularly to determine areas that need updating and further clarification. On November 7, 2014, SBA issued an advance notice of policy directive amendments and request for comments at 77 FR 66342. SBA explained that it intended to update the directives on a regular basis and to restructure and reorganize the directives, as well as address certain policy issues relating to SBIR and STTR data rights and Phase III work. In this ANPRM, SBA outlined what it believed were the issues concerning data rights and Phase III awards and requested feedback on several questions posed. The comments SBA received were generally in agreement that the sections of the directives relating to data rights and Phase III awards need further clarification.

SBA is proposing clarification of the issues relating to both programs concerning data rights, Phase III awards, and miscellaneous issues such as benchmarks to commercialization achievement and the calculation of extramural budget. SBA is also proposing to amend both the SBIR and STTR policy directives by combining the two directives into one because the general structure of both programs is the same.

Statement of Need: It is necessary to update the data rights, Phase III preference, benchmark sections, and clarify how agencies calculate extramural budget due to numerous inquiries and requests for clarification received from SBIR and STTR Program Managers and small businesses regarding these issues. Requests for clarification indicate that there is confusion among participating agencies and small business concerns regarding these policy issues. It is necessary to combine the Policy Directives to increase ease of use and to reduce duplicity, as much of the language in the current Directives is identical for both programs. The clarifications and consolidation will provide clearer guidance and uniformity of these sections of the Policy Directive, and are necessary to enhance the efficient implementation of the programs.

Summary of Legal Basis: Section 9(j) and (p) of the Small Business Act, codified at 15 U.S.C. 638(j) & (p) requires SBA to issue directives to the SBIR/STTR participating agencies to simplify and standardize program proposals, selections, contracting, compliance, and audit procedures, while allowing the participating agencies flexibility in the operation of their individual programs.

Alternatives: If SBA does not amend the Policy Directives, the participating agencies and small business concerns will continue to need additional guidance and clarification regarding the implementation of data rights, Phase III awards, and the commercialization benchmarks.

Anticipated Cost and Benefits: The consolidation and revision of the SBIR/STTR Policy Directive is essential to the efficient implementation of the respective programs. There may be some costs associated with the consolidation and revision of the Policy Directives, such as updating current resource materials to reflect the clarifications and consolidation to one document; however, SBA anticipates such costs are not burdensome.

Risks: None identified.
Timetable:

Action	Date	FR Cite
ANPRM	11/07/14	79 FR 66342
ANPRM Comment Period End.	01/06/15	
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: No.
Government Levels Affected: Federal.
Additional Information: Included in SBA's Retrospective Review under Executive Orders 13563 and 13610.

Agency Contact: Edsel M. Brown Jr., Assistant Director, Office of Innovation, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6450, *Email: edsel.brown@sba.gov.*
RIN: 3245–AG64

SBA

125. Small Business Investment Company (SBIC) Program; Impact SBICS

Priority: Other Significant.
Legal Authority: 15 U.S.C. 681
CFR Citation: 13 CFR 107.
Legal Deadline: None.
Abstract: This rule proposes to establish a regulatory structure for the SBIC Programs Impact Investment Fund, which is currently being implemented through a policy memorandum to interested applicants. The rule proposes to establish in the regulations a new type of SBIC license called the Impact SBIC license and will include application and examination fee considerations to incentivize Impact Investment Fund participation. Impact SBICs may also be able to access Early Stage leverage on the same terms as Early Stage SBICs without applying through the Early Stage call process defined in 107.310. This will allow Impact SBICs with early stage strategies to apply for the program. The new license will be available to investment funds that meet the SBIC Programs licensing qualifications and commit to invest at least 50% of their invested capital in impact investments as defined in the rule. The rule would also outline reporting and performance measures for licensed funds to maintain Impact Investment Fund designation. The goal of the Impact Investment Fund is to support small business investment strategies that maximize financial returns while also yielding enhanced social environmental or economic impacts as part of the SBIC Programs overall effort to supplement the flow of private equity and long-term loan funds to small businesses whose capital needs are not being met.

Statement of Need: SBA originally announced the launch of the SBIC program's Impact Investing Initiative (Initiative) on April 7, 2011, with a commitment of $1 billion in debenture leverage over a 5-year period to SBICs that committed to deploy at least 50% of their total invested capital in small businesses located in low-to-moderate income areas, economically-distressed areas and rural areas, as well as small businesses active in the education and

clean energy sectors. Subsequently, SBA made several changes to the Initiative in 2014, including renaming the Initiative the Impact Investment Fund, and expanding its scope to reflect SBA's commitment beyond the initial 5-year term. This proposed rule follows that commitment by providing a permanent framework within the SBIC program's regulations, highlighting the important role of impact investing by supporting the development of America's growing impact investing industry, and seeking to expand the pool of investment capital available to underserved communities and innovative sectors. The proposed rule requires an Impact SBIC to invest at least 50% of its total invested capital in one or both categories of impact investment: (1) SBA-identified impact investments, which are investments in small businesses located in geographic areas and sectors of national priority designated by SBA, such as Low and Moderate Income Zones; and (2) fund-identified impact investments, which are investments that meet an SBIC's own definition, subject to SBA's approval, of an Impact Investment, such as small businesses operating in the clean energy, education and/or healthcare sectors. The proposed rule will encourage the creation of Impact SBICs by providing certain application and examination fee discounts to these funds.

Summary of Legal Basis: The policy goal of the Small Business Investment Act of 1958, 15 U.S.C. 661 *et seq.,* is to stimulate and supplement the flow of private equity capital and long-term loan funds to the nation's small businesses for the sound financing of their growth, expansion, and modernization. The Small Business Investment Act contains several provisions aimed at promoting the flow of capital to several special categories of small business, including those located in low income geographic areas, those engaged in energy-saving activities and smaller businesses, 15 U.S.C. 683(b)(2)(C), 683(b)(2)(D), 683(d). The proposed rule was crafted to enhance the SBIC program's effectiveness in channeling much-needed capital to small businesses operating in these and other underserved areas and sectors of the U.S. economy.

Alternatives: SBA considered several alternatives to the proposed regulation, including continuing its impact investment objectives solely through existing policy initiatives. However, those policy initiatives did not provide sufficient incentives to attract Impact SBIC fund managers to the program. Moreover, SBA determined that it must demonstrate a lasting commitment to the Initiative by promulgating regulations. In addition, SBA considered restricting the definition of an Impact Investment to financings that meet requirements already outlined in federal regulations, such as Energy-Savings Investments, LMI Investments or investments in rural areas. These investments are aligned with federal policy priorities and are easy to define and monitor, but SBA determined a more accommodative approach would be more effective. The proposed rule has been drafted to allow Impact SBIC applicants to make SBA-identified impact investments, which target federal priority areas, or make fund-identified impact investments that align with their own definitions of impact. This approach expands the reach of SBA's impact investing efforts beyond the limited subset of investments that meet existing regulatory criteria and promotes freedom of choice for impact fund managers to pursue an impact investing strategy based on their own definition of Impact Investment.

Anticipated Cost and Benefits: The proposed rule will result in an approximate 6.1 basis point increase in the annual charge paid by all SBICs with outstanding leverage and will include *de minimis* additional oversight costs to SBA in monitoring the additional reporting requirements that Impact SBICs must comply with. The proposed rule benefits SBA by encouraging SBICs to deploy capital to small businesses operating in geographic areas and sectors of national priority designated by SBA, and SBA expects that it will result in increased financings to small businesses taking innovative approaches in, among others, the educational, clean energy and healthcare sectors. As a corollary benefit, the proposed rule will support the development of the impact investing industry more broadly by incorporating impact investing best practices, especially with regard to the measurement and assessment of impact.

Risks: None identified.

Timetable:

Action	Date	FR Cite
NPRM	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: Included in SBA's Retrospective Review under Executive Orders 13563 and 13610.

Agency Contact: Nate T. Yohannes, Senior Advisor, Office of Investments, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202–205–6714, *Email: nate.yohannes@sba.gov*.

RIN: 3245–AG66

SBA

126. Affiliation for Business Loan Programs and Surety Bond Guarantee Program

Priority: Other Significant.

Legal Authority: 15 U.S.C. 634(b)(6)

CFR Citation: 13 CFR 115; 13 CFR 120; 13 CFR 121.

Legal Deadline: None.

Abstract: The U.S. Small Business Administration (SBA) has determined that changing conditions in the American economy and a constantly evolving small business community compel it to seek ways to improve program efficiency for its Surety Bond Guarantee (SBG) Program, and the business loan programs consisting of the 7(a) Loan Program, the Business Disaster Loan Programs (the Economic Injury Disaster Loans, Reservist Injury Disaster Loans, Physical Disaster Business Loans, Immediate Disaster Assistance Program loans), the Microloan Program, and the Development Company Program (the 504 Loan Program). As a result, SBA proposes to simplify guidelines for determining affiliation for eligibility based on size as it relates to these programs. This proposed rule would redefine affiliation for all five Programs, thereby simplifying eligibility determinations.

Statement of Need: The U.S. Small Business Administration (SBA) has determined that changing conditions in the American economy and a constantly evolving small business community compel it to seek ways to improve program efficiency for its Surety Bond Guarantee (''SBG'') Program, and the business loan programs consisting of the 7(a) Loan Program, the Economic Injury Disaster Loan (''EIDL'') Program, the Microloan Program, and the Development Company Program (the ''504 Loan Program'').

SBA's surety bond and business loan programs are dedicated to providing solutions to qualified small businesses unable to secure conventional financing or surety bonding through traditional channels. Receipt of this form of SBA assistance includes program qualifications surrounding the size of a small business applicant. The proposed regulations set forth affiliation principles more in keeping with the capital structures presented in the surety and business loan programs.

Summary of Legal Basis: Executive Order 13563, ''Improving Regulation

and Regulatory Review,'' provides that agencies ''must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends.'' (Emphasis added). Executive Order 13563 further provides that ''[t]o facilitate the periodic review of existing significant regulations, agencies shall consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' (Emphasis added).

SBA has reviewed its regulations with regard to the business loan programs and Surety Bond Guarantee program and is proposing a number of amendments and revisions to accomplish this goal. The loan programs authorized by the Small Business Act (Act), 15 U.S.C. 631 *et seq.,* that are affected by this proposed rule are: (1) The 7(a) Loan Program authorized by section 7(a) of the Act, (2) the Economic Injury Disaster Loan (''EIDL'') Program authorized by section 7(b) of the Act, and (3) the Microloan Program authorized by section 7(m) of the Act. The 504 Loan Program, which is authorized by Title V of the Small Business Investment Act of 1958 (the ''SBIA''), as amended, 15 U.S.C. 695 *et seq.,* is also affected. This rule also proposes revisions to the Surety Bond Guarantee (''SBG'') Program, authorized by section 411 of the SBIA.

Alternatives: SBA first considered retaining the existing principles used to evaluate the size of a small business. It rejected that alternative arguing that a strict interpretation of these existing rules extends indiscriminate harm to small business growth and economic development. SBA also considered proposing a different regulation on size exclusively for the surety and business loan program. It rejected this alternative recognizing the merits behind many of the other standards in the current regulations.

In these proposed rules, SBA proffers that the size a of small business applicant with diffused ownership or operating under franchise or license agreements should be determined eligible without aggregating minority ownership interests, common investments or by reference to an affiliate's relationship to any franchisor or licensor.

Anticipated Cost and Benefits: This will ultimately reduce the costs of submitting an application for the loan applicant and its participating lender. By eliminating or modifying certain affiliation principles for the Business Loan Programs, this proposed rule would also significantly reduce the burden on loan applicants to provide additional documentation evidencing that they are eligible for SBA loan assistance.

Risks: This action introduces a form of regulatory risk associated with considering applicants currently unable to receive SBA financial assistance. It is, however, inequitable to disregard a small business because its distributed ownership or an affiliate's franchise or licensing agreement compels SBA to aggregate unrelated entities for determining a small concern's size. Making these types of businesses eligible for SBA assistance would expand our mission of providing this vital source of assistance to small business. This additional assistance would serve to reduce reputational risk associated with SBA's efficacy as a federal program truly committed to needs of the small business community.

Timetable:

Action	Date	FR Cite
NPRM	10/02/15	80 FR 59667
NPRM Comment Period End.	12/01/15	
Final Rule	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Additional Information: Included in SBA's Retrospective Review under Executive Orders 13563 and 13610.

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RIN: 3245–AG73

SBA

Final Rule Stage

127. Small Business Mentor-Protégé Programs

Priority: Other Significant.

Legal Authority: Pub. L. 111–240; sec 1347;15 U.S.C. 657r

CFR Citation: 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 126; 13 CFR 127; 13 CFR 134

Legal Deadline: None.

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending its regulations to implement provisions of the Small Business Jobs Act of 2010 and the National Defense Authorization Act for Fiscal Year 2013. Based on authorities provided in these two statutes, the rule will establish a Government-wide mentor-protégé program for all small business concerns, consistent with SBA's mentor-protégé program for Participants in SBA's 8(a) Business Development (BD) program. The rule will also make minor changes to the mentor-protégé provisions for the 8(a) Business Development program in order to make the mentor-protégé rules for each of the programs as consistent as possible. The rule will amend the current joint venture provisions to clarify the conditions for creating and operating joint venture partnerships, including the effect of such partnerships on any mentor-protégé relationships. Finally, the rule will make several additional changes to current size, 8(a) Office of Hearings and Appeals or HUBZone regulations, concerning among other things, ownership and control, changes in primary industry, standards of review and interested party status for some appeals.

Statement of Need: The Small Business Jobs Act determined that the SBA-administered mentor-protégé program currently available to 8(a) BD participants is a valuable tool for all small business concerns and authorized SBA to establish mentor protégé programs for the HUBZone SBC, Service Disabled Veteran-Owned SBCs, and Women-Owned Small Business programs. This authority is consistent with recommendations issued by an interagency task force created by President Obama on Federal Contracting Opportunities for Small Businesses. Among other things, the task force recommended that mentor-protégé programs should be promoted through a new Government-wide framework to give small businesses the opportunity to develop under the wing of experienced large businesses in an expanded Federal procurement arena.

Summary of Legal Basis: The Small Business Jobs Act of 2010, Public Law No. 111–240, section 1347(b)(3), authorizes SBA to establish mentor-protégé programs for HUBZone SBC, Service Disabled Veteran-Owned SBCs, and Women-Owned Small Business programs SBCs. The National Defense Authorization Act for FY 2013; Public Law 112–239, section 1641, authorizes SBA to establish programs for all SBCs.

Alternatives: At this point, SBA believes that the best option for implementing the authority is to create a regulatory scheme that is similar to the existing mentor-protégé program.

Anticipated Cost and Benefits: SBA has not yet quantified the costs associated with this rule. However, program participants, particularly the protégés, would be able to leverage the

mentoring opportunities as a form of business development assistance that could enhance their capabilities to successfully compete for contracts in and out of the Federal contracting arena. This assistance may include technical and/or management assistance; financial assistance in the form of equity investments and/or loans; subcontracts; and/or assistance in performing prime contracts with the Government in the form of joint venture arrangements.

Risks: None identified.

Timetable:

Action	Date	FR Cite
NPRM	02/05/15	80 FR 6618
NPRM Comment Period End.	04/06/15	
NPRM Comment Period Extension.	04/07/15	80 FR 18556
NPRM Comment Period End.	05/06/15	
Final Rule	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

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RIN: 3245–AG24

SBA

128. Small Business Government Contracting and National Defense Authorization Act of 2013 Amendments

Priority: Other Significant.

Legal Authority: 15 U.S.C. 631; Public Law 112–239

CFR Citation: 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 126; 13 CFR 127.

Legal Deadline: NPRM, Statutory, July 2, 2013, National Defense Authorization Act for FY2013, Public Law 112–239, section 1696.

Section 1696 requires guidance on the statutory limitations on subcontracting to be issued, pursuant to notice and comment rulemaking within 180 days (July 2, 2013) after enactment of the NDAA.

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending its regulations to implement provisions of the National Defense Authorization Act of 2013, which pertain to performance requirements applicable to small business and socioeconomic program set aside contracts and small business subcontracting. SBA is also proposing to make changes to its regulations concerning the nonmanufacturer rule and affiliation rules. Further, SBA is proposing to allow a joint venture to qualify as small for any government procurement as long as each partner to the joint venture qualifies individually as small under the size standard corresponding to the NAICS code assigned in the solicitation.

Statement of Need: The National Defense Authorization Act of 2013 (NDAA), Public Law 112–239, 126 Stat. 1632 (Jan. 2013), made several amendments to SBA's contracting programs as authorized by the Small Business Act. This rule is necessary in order to implement these amendments to the Small Business Act and ensure consistency between SBA's contracting regulations and the statute. The rule also contains other changes not specifically resulting from the NDAA but which are either necessary to create conformance with the NDAA amendments, or are necessary to clarify existing ambiguities and simplify certain regulations governing SBA's size and government contracting programs, including the exception to affiliation for certain joint ventures and the non-manufacturer regulations.

Summary of Legal Basis: This proposed rule implements Sections 1621, 1651, 1652, and 1653 of the NDAA. As a result of changes in section 1621 of the NDAA, as codified at 15 U.S.C. 644(l), the rule amends the regulations regarding the responsibilities of Procurement Center Representatives as set forth in 13 CFR 125. Section 1651 of the NDAA, codified at 15 U.S.C. 657s, amendments regarding the limitations on subcontracting for full or partial small business set-aside contracts, 8(a) Business Development contracts, Service Disabled Veteran-Owned contracts, HUBZone contracts, and Women Owned Small Business (WOSB) and Economically Disadvantaged WOSB contracts, authorizes the changes to the applicable regulations governing each of these types of contracts as set forth in 13 CFR parts 124, 125, 126, and 127. Section 1652 of the NDAA, codified at 15 U.S.C. 645, prescribes penalties for concerns that violate the limitations on subcontracting. Changes will be made to 13 CFR 125 to implement this statutory authority. Section 1653 of the NDAA, as codified at 15 U.S.C. 637(d), amends the requirements for subcontracting plans, including corrective action plans. This rule amends 13 CFR 125 to incorporate implementing regulations.

Alternatives: The National Defense Authorization Act of 2013 (NDAA), Public Law 112–239, 126 Stat. 1632 (Jan. 2013), made several amendments to SBA's contracting programs as authorized by the Small Business Act. This rule is necessary in order to implement these amendments to the Small Business Act and ensure consistency between SBA's contracting regulations and the statute. SBA must implement the statutory provisions in the NDAA. There is no alternative to implementing those provisions. There is also no viable alternative to not implementing the non-statutory based changes; to retain the status quo would mean continued confusion, litigation and controversy particularly with respect to the joint venture and nonmanufacturer regulations.

Anticipated Cost and Benefits: These final regulations should benefit small business concerns by allowing small business concern prime contractors to use similarly situated small business concern subcontractors in the performance of a set aside contract, thereby expanding the capacity of the small business prime contractor and potentially enabling the firm to compete for and obtain larger contracts. It also strengthens the small business subcontracting provisions, which may result in more subcontract awards to small business concerns. The final rule also seeks to address or clarify issues that are ambiguous or subject to dispute, thereby providing clarity to contracting officers as well as small business concerns. Clarifying the confusion and uncertainty concerning the applicability of SBA contracting regulations will reduce the time burden on the small business contracting community and therefore make it easier for them to contract with the Federal Government. This rule does not impose any significant new compliance or other costs on small business concerns. Under current law, firms must adhere to certain requirements when performing set aside contracts; the rule does not change those requirements. Further, SBA expects that costs now incurred by small business concerns as a result of ambiguous or indefinite regulations will be eliminated or reduced.

Risks: None identified.

Timetable:

Action	Date	FR Cite
NPRM	12/29/14	79 FR 77955
NPRM Comment Period End.	02/27/15	
NPRM Comment Period Reopened.	03/09/15	80 FR 12353
Second NPRM Comment Period End.	04/06/15	

Action	Date	FR Cite
Final Rule	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Small Entities Affected: Businesses.

Government Levels Affected: None.

Agency Contact: Brenda J. Fernandez, Procurement Analyst, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202–205–7337, *Email: brenda.fernandez@sba.gov.*

RIN: 3245–AG58

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION (SSA)

Statement of Regulatory Priorities

We administer the Retirement, Survivors, and Disability Insurance programs under title II of the Social Security Act (Act), the Supplemental Security Income (SSI) program under title XVI of the Act, and the Special Veterans Benefits program under title VIII of the Act. As directed by Congress, we also assist in administering portions of the Medicare program under title XVIII of the Act. Our regulations codify the requirements for eligibility and entitlement to benefits, and our procedures for administering these programs. Generally, our regulations do not impose burdens on the private sector or on State or local governments, except for the States' Disability Determination Services. We fully fund the Disability Determination Services in advance or by way of reimbursement for necessary costs in making disability determinations.

The ten entries in our regulatory plan (plan) represent issues of major importance to the Agency. We describe the individual initiatives more fully in the attached plan.

Improving the Disability Process

Since the continued improvement of the disability program is of vital concern to us, we include initiatives in the plan addressing disability-related issues. These initiatives include one proposed and four final rules that update the medical listings used to determine disability. The revisions reflect our adjudicative experience and advances in medical knowledge, diagnosis, and treatment.

Enhance Public Service

There are five proposed rules that will propose to:

- Require claimants to submit or inform us about all evidence known to them that relates to their disability claim,
- Clarify our guidelines regarding how we will evaluate work experience for persons characterized as ''Illiterate,'' and clarify our guidelines on how we evaluate previous work experience for persons who are ''Illiterate'',
- Remove the expiration date from our rule authorizing State agency disability examiners to make fully favorable determinations without the approval of a State agency medical or psychological consultant in claims we consider under our quick disability determinations and compassionate allowances processes,
- Revise our rules regarding returning evidence at the Appeals Council level to give the Appeals Council discretion in returning additional evidence that it receives when it determines the additional evidence does not relate to the period on or before the date of the Administrative Law Judge's decision, and
- Create a new system of records that exempts certain records from disclosure. This new system tracks anti-harassment claims made by our employees.

Retrospective Review of Existing Regulations

Pursuant to section 6 of Executive Order 13563, ''Improving Regulation and Regulatory Review'' (January 18, 2011), the following Regulatory Identifier Numbers (RINs) have been identified as associated with retrospective review and analysis in our final retrospective review of regulations plan. Some of the entries on this list may be completed actions, which do not appear in *The Regulatory Plan.* You can find more information about these completed rulemakings in past publications of the Unified Agenda at: *www.Reginfo.gov* in the Completed Actions section for the Social Security Administration. You can also find these rulemakings at *www.Regulations.gov.* The agency final plans are located at *http://mwww.ba.ssa.gov/open/regsreview/EO-13563-Final-Plan-Progress-Update.html.*

RIN	Title	Expected to significantly reduce burdens on small businesses
0960–AF35	Revised Medical Criteria for Evaluating Neurological Impairments	No.
0960–AF58	Revised Medical Criteria for Evaluating Respiratory System Disorders	No.
0960–AF69	Revised Medical Criteria for Evaluating Mental Disorders	No.
0960–AF88	Revised Medical Criteria for Evaluating Hematological Disorders	No.
0960–AG21	New Medical Criteria for Evaluating Language and Speech Disorders	No.
0960–AG28	Revised Medical Criteria for Evaluating Growth Impairments	No.
0960–AG38	Revised Medical Criteria for Evaluating Musculoskeletal Disorders	No.
0960–AG65	Revised Medical Criteria for Evaluating Digestive Disorders	No.
0960–AG71	Revised Medical Criteria for Evaluating Human Immunodeficiency Virus (HIV) Infection and for Evaluating Functional Limitations in Immune System Disorders.	No.
0960–AG74	Revised Medical Criteria for Evaluating Cardiovascular Disorders	No.
0960–AH43	Revised Medical Criteria for Evaluating Cancer (Malignant Neoplastic Diseases)	No.
0960–AH54	Revised Medical Criteria for Evaluating Hearing Loss and Disturbances of Labyrinthine-Vestibular Function.	No.

SSA

Prerule Stage

129. Vocational Factors of Age, Education, and Work Experience in the Adult Disability Determination Process

Priority: Other Significant.

Legal Authority: 42 U.S.C. 423(d)(2)(A); 42 U.S.C. 1382(a)(3)(B)

CFR Citation: 20 CFR 404.1562; 20 CFR 404.1565; 20 CFR 416.962; 20 CFR 416.965.

Legal Deadline: None.

Abstract: We are soliciting public input about how we should consider the vocational factors of age, education, and work experience in adult disability claims under titles II and XVI of the Social Security Act (Act). There have been significant changes in technology use and workforce demographics since we first adopted our vocational factor regulations in 1978 (43 FR 55349). We are requesting public comments, along with any supporting data, to assist in our efforts to streamline, simplify, and ensure the ongoing relevance of our disability determination programs.

Statement of Need: There have been significant changes in technology use and workforce demographics since we first adopted our vocational factor regulations in 1978. We are requesting public comments, along with any supporting data, to assist in our efforts to streamline, simplify, and ensure the ongoing relevance of our disability determination programs.

Summary of Legal Basis: Section 205(a) of the Act and, by reference to section 205(a), section 1631(d)(1). Our solicitation of information from the public is part of our effort to ensure that we are evaluating all relevant information as we determine what, if any, updates to our vocational factors are necessary.

Alternatives: Alternatives are undetermined, since this is an advanced notice of proposed rulemaking, and is specifically in an information gathering stage.

Anticipated Cost and Benefits: Undetermined at this time.

Risks: Undetermined at this time.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/15	80 FR 55050
ANPRM Comment Period Extended.	10/30/15	80 FR 66843
ANPRM Comment Period End.	11/13/15	
ANPRM Comment Period Extended End.	12/14/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: www.regulations.gov.

Agency Contact: Elaine Tocco, Vocational Policy Specialist, Social Security Administration, Office of Disability Programs, 6401 Security Boulevard, Baltimore, MD 21235, *Phone:* 410 966–6356.

William P. Gibson, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–9039.

RIN: 0960–AH74

SSA

Proposed Rule Stage

130. Revised Medical Criteria for Evaluating Musculoskeletal Disorders (3318P)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 1.00 and 101.00, Musculoskeletal System, of appendix 1 to subpart P of part 404 of our regulations describe those musculoskeletal system disorders that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments under title XVI. We are proposing to revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: We propose to revise the criteria in the Listing of Impairments (listings) that we use to evaluate claims involving musculoskeletal disorders in adults and children under titles II and XVI of the Social Security Act (Act). These proposed revisions reflect our adjudicative experience, advances in medical knowledge and treatment of musculoskeletal disorders, recommendations from medical experts, and comments we received in response to a final rule with request for public comments that we published in November 2001.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: We considered continuing to use our current criteria. However, we believe these proposed revisions are necessary because of medical advances since we last comprehensively revised the musculoskeletal listings in 2001, our program experience, information we received from medical experts we consulted, and comments we received in response to a final rule with request for public comments that we published in November 2001.

Anticipated Cost and Benefits: Currently being determined.

Risks: We expect the public and adjudicators to support the removal and clarification of ambiguous terms and phrases, and the addition of specific, demonstrable functional criteria for determining listing-level severity of all musculoskeletal disorders.

We expect adjudicators to support the change in the framework of the text because it makes the guidance in the introductory text and listings easier to access and understand.

Timetable:

Action	Date	FR Cite
NPRM	08/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: www.regulations.gov.

Agency Contact: Cheryl A. Williams, Director, Social Security Administration, Office of Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–1020.

Nancy Miller, Social Insurance Specialist, Social Security Administration, Office of Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–1573.

Brian J. Rudick, Social Insurance Specialist. Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–7102, *Email: brian.rudick@ssa.gov.*

RIN: 0960–AG38

SSA

131. Revised Medical Criteria for Evaluating Digestive Disorders (3441P)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 5.00 and 105.00, Digestive Systems, of appendix 1 to subpart P of part 404 of our regulations describe those digestive disorders that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments under title XVI. We are proposing to revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: These proposed rules will update, simplify, and clarify our rules.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: We could continue to use our current criteria. However, we believe these proposed revisions are necessary because of our program experience, information we received from medical experts we consulted, and comments we received at the Listings Symposium and in response to the ANPRM.

Anticipated Cost and Benefits: Presently under review.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/07	72 FR 70527
ANPRM Comment Period End.	02/11/08	
NPRM	08/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: www.regulations.gov.

Agency Contact: Cheryl A. Williams, Director, Social Security Administration, Office of Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–1020.

Shawnette Ashburne, Social Insurance Specialist, Social Security Administration, Office of Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–5788.

Brian J. Rudick, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–7102.

RIN: 0960–AG65

SSA

132. Acceptable Medical Sources, Evaluating Evidence, and Treating Sources (3787P)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 42 U.S.C. 405(a); 42 U.S.C. 423(d)(5)(A); 42 U.S.C. 902(a)(5); 42 U.S.C. 1010(a); 42 U.S.C. 1382c(a)(3)(H)(i); 42 U.S.C. 1382c(a)(3)(H)(i)

CFR Citation: 20 CFR 404.1502; 20 CFR 404.1512; 20 CFR 404.1520b; 20 CFR 404.1521 to 404.1523; 20 CFR 404.1526 and 404.1527; 20 CFR 404.1530; 20 CFR 404.1546; 20 CFR 416.902; 20 CFR 416.912; 20 CFR 416.920b; 20 CFR 416.921 to 416.923; 20 CFR 416.926 and 416.927; 20 CFR 416.930; 20 CFR 416.946.

Legal Deadline: None.

Abstract: We are proposing several revisions to our evidence rules. The proposals include: Redefining several key terms related to evidence; explaining what is and is not evidence; revising how we consider and articulate our consideration of medical opinions and administrative findings of fact; and reorganizing our evidence regulations for each of use. These revisions would simplify and reorganize our rules to make them easier to understand and apply, allow us to make more accurate and consistent decisions, and emphasize the need for objective medical evidence in disability and blindness claims under titles II and XVI of the Social Security Act.

Statement of Need: These revisions would simplify and reorganize our rules to make them easier to understand and apply, allow us to make more accurate and consistent decisions, and emphasize the need for objective medical evidence in disability and blindness claims under titles II and XVI of the Social Security Act.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: Undetermined at this time.

Anticipated Cost and Benefits: Undetermined at this time.

Risks: Undetermined at this time.

Timetable:

Action	Date	FR Cite
NPRM	05/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: Undetermined.

URL for Public Comments: www.regulations.gov.

Agency Contact: Joshua Silverman, Social Insurance Specialist, Social Security Administration, Office of Vocational, Evaluation, and Process Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 594–2128.

Dan O'Brien, Social Insurance Specialist, Social Security Administration, Office of Employment Support Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–1632.

Helen Droddy, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–1483, *Email: helen.droddy@ssa.gov.*

RIN: 0960–AH51

SSA

133. Returning Evidence at the Appeals Council Level (3844F)

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 42 U.S.C. 401(j); 42 U.S.C. 404(f); 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to (h); 42 U.S.C. 405(j); 42 U.S.C. 405 note; 42 U.S.C. 421; 42 U.S.C. 421 note; 42 U.S.C. 423(i); 42 U.S.C. 425; 42 U.S.C. 902(a)(5); 42 U.S.C. 902 note; 42 U.S.C. 1383; 42 U.S.C. 1383b

CFR Citation: 20 CFR 404.976; 20 CFR 416.1476.

Legal Deadline: None.

Abstract: We propose to revise our rules regarding returning evidence at the Appeals Council level. Our current regulations require the Appeals Council to return to the claimant additional evidence when the Appeals Council finds that the evidence does not relate to the period on or before the date of the administrative law judge (ALJ) hearing decision. With the availability and use of our electronic services, and because

the current procedures are not administratively efficient or cost effective, these rules would no longer require us to return any additional evidence when the Appeals Council determines the additional evidence does not relate to the period on or before the date of the ALJ decision, except in rare circumstances. We are not proposing any changes to how the Appeals Council considers additional evidence or when the Appeals Council gives protective filing based on the receipt of additional evidence.

Statement of Need: We propose to amend our regulations by revising our rules regarding returning evidence at the Appeals Council (AC) level. Our current rules state that the AC will return to the claimant additional evidence it receives when the AC finds the evidence does not relate to the period on or before the date of the administrative law judge (ALJ) hearing decision. We are proposing these revisions to provide the AC discretion in returning additional evidence that it receives when the AC determines the additional evidence does not relate to the period on or before the date of the ALJ decision.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: We could have chosen not to amend our regulations, but we believe that with the increasing use of the Electronic Records Express system, the practice of returning evidence is unnecessary. In addition, the practice of returning documents submitted to us electronically is not administratively efficient or cost-effective.

Anticipated Cost and Benefits: These proposed rules should have no effect on Old-Age, Survivors and Disability Insurance or Supplemental Security Income benefits.

The administrative effect of this regulation is negligible (*i.e.,* less than 25 workyears or $2 million annually).

Risks: None.

Timetable:

Action	Date	FR Cite
NPRM	10/21/15	80 FR 63717
NPRM Comment Period End.	11/20/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: www.regulations.gov.

Agency Contact: Maren Weight, Appeals Officer, Social Security Administration, Office of Appellate Operations, 5107 Leesburg Pike, Falls Church, VA 22041, *Phone:* 703 605–7100.

Brian J. Rudick, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–7102.

RIN: 0960–AH64

SSA

134. Removal of the Expiration Date for State Disability Examiner Authority To Make Fully Favorable Quick Disability Determinations and Compassionate Allowances

Priority: Other Significant.

Legal Authority: 42 U.S.C. 405(a); 42 U.S.C. 421; 42 U.S.C. 902(a)(5)

CFR Citation: 20 CFR 404.1615; 20 CFR 416.1015.

Legal Deadline: None.

Abstract: We propose removing the expiration date from our rule authorizing State agency disability examiners to make fully favorable determinations without the approval of a State agency medical or psychological consultant in claims that we consider under our quick disability determinations (QDD) and compassionate allowances (CAL) processes. The disability examiner authority expires on November 11, 2016. In this proposed rule, we remove the expiration date from the disability examiner authority, so that the authority continues indefinitely. Removing the expiration date will allow us to continue to make some favorable disability determinations more quickly. We are making no other substantive changes.

Statement of Need: Our review of cases that qualify for adjudication under this test program decreases the time for issuing disability decisions to claimants; we are therefore making the program permanent.

Summary of Legal Basis: The Social Security Act authorizes the testing of innovative adjudicative procedures [Secs. 205(a), 221, and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a), 421, and 902(a)(5))], and we are now proposing to make this test program a permanent process.

Alternatives: We could continue to extend this successful program each year, or we could discontinue the process altogether.

Anticipated Cost and Benefits: Costs are presently undetermined. This process decreases the overall time some claimants wait for a disability determination.

Risks: There is no determined risk to making this program permanent, at this time.

Timetable:

Action	Date	FR Cite
NPRM	04/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: www.regulations.gov.

Agency Contact: Kenneth Williams, Social Insurance Specialist, Social Security Administration, Office of Disability Policy, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–0608.

William P. Gibson, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–9039.

RIN: 0960–AH70

SSA

135. Anti-Harassment and Hostile Work Environment Case Tracking and Records System Revised

Priority: Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority: 5 U.S.C. 552a(k)(2)

CFR Citation: Not Yet Determined.

Legal Deadline: None.

Abstract: We are adding an exemption to the listed SSA System of Records for a Harassment Allegation Case Tracking and Management Information System.

Statement of Need: We are required to amend our Code of Federal Regulations (CFR) when a new system of records is instituted within the agency that exempts certain records from disclosure. Here, we are creating a new system of records and an exemption to disclosure of some of those records, necessitating a new system of records disclosure in our CFR.

Summary of Legal Basis: In accordance with the Privacy Act (5 U.S.C. 552a) we are issuing public notice of our intent to establish a new system of records.

Alternatives: There is no alternative. Failure to amend our CFR, while using a new system of records, would be contrary to the statutory authority and intent of 5 U.S.C. 552.

Anticipated Cost and Benefits: Undetermined at this time. We stand to benefit by tracking anti-harassment claims by our employees, and through

this tracking system accurately determine the outcomes for these claims.

Risks: Failure to implement the new system of records and correlated exemption in our CFR would prevent the institution of the new system, thereby causing the agency to be out of compliance with EEOC guidelines.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

URL for Public Comments: www.regulations.gov.

Agency Contact: Pamela J. Carcirieri, Division Director, Social Security Administration, Office of the General Counsel, Office of Privacy and Disclosure, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 965–0355.

William P. Gibson, Social Insurance Specialist, Regulations Writer, Social Security Administration, Office of Regulations and Reports Clearance, 6401 Security Boulevard, Baltimore, MD 21235–6401, *Phone:* 410 966–9039.

RIN: 0960–AH82

SSA

136. • Amendment to the Education Category, ''Illiterate or Unable To Communicate in English'' and Clarification of Previous Work Experience Criterion for Persons Who Are ''Illiterate''

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a)(b); 42 U.S.C. 405(d)(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 421(j); 42 U.S.C. 421(m); 42 U.S.C. 421 note; 42 U.S.C. 422(c); 42 U.S.C. 423; 42 U.S.C. 423 note; 42 U.S.C. 425; 42 U.S.C. 902(a)(5); 42 U.S.C. 902 note; 42 U.S.C. 1382; 42 U.S.C. 1382c; 42 U.S.C. 1382h; 42 U.S.C. 1383(a); 42 U.S.C. 1383(c); 42 U.S.C. 1383(d)(1); 42 U.S.C. 1383(p); 42 U.S.C. 1383b; 42 U.S.C. 1382h note

CFR Citation: 20 CFR 404.1564; 20 CFR 416.964.

Legal Deadline: None.

Abstract: We propose amending our education category Illiterate or unable to communicate in English to Illiterate, and we propose to clarify our guidelines regarding how we will evaluate work experience for persons characterized as Illiterate when we determine whether that person is disabled.

We use the education category in our medical-vocational guidelines in appendix 2 to subpart P of part 404 of our regulations (Appendix 2). The medical-vocational guidelines direct or provide a framework for disability determinations and decisions at the final step in our sequential evaluation process. We propose clarifying that we consider a person Illiterate when he or she is unable to read or write in any language.

Under this revised definition of Illiterate, we propose clarifying our guidelines on how we evaluate previous work experience for persons who are Illiterate when we decide whether a person is disabled. These proposed clarifications ensure our guidelines clearly reflect our longstanding policy in 404.1565(a) and 416.965(a). If a person has skilled or semiskilled work experience, but cannot use those skills in other work (*i.e.,* the skills are not transferable to other work), the person's ability to adjust to other work is no greater than if he or she had only unskilled work experience. The proposed revisions will clarify how we evaluate a person's ability to adjust to other work if his or her education category is Illiterate by identifying which medical-vocational guidelines apply given these case facts.

Statement of Need: When we promulgated the existing vocational framework, we judged that illiteracy or inability to communicate in English was a vocational adversity in adjusting to other work. We proposed amending our education category ''Illiterate or unable to communicate in English'' to ''Illiterate'' and clarifying that what we mean by ''Illiterate'' is inability to read and write in any language. This would eliminate the false equivalence between ''inability to communicate in English'' and illiteracy, while retaining ''Illiterate'' in any language as a vocational disadvantage.

Summary of Legal Basis: Section 205(a) of the Act and, by reference to section 205(a), section 1631(d)(1) provide that ''. . . [t]he Commissioner of Social Security shall have full power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this title, which are necessary or appropriate to carry out such provisions, and shall adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits hereunder.''

Alternatives: Undetermined at this time.

Anticipated Cost and Benefits: Undetermined at this time.

Risks: For disability determinations and decisions for people living in countries who do not have English as their official language, we are currently required to use guidelines for people who are ''illiterate or unable to communicate in English,'' even when English is not the official language of the country in which the person lives.

Timetable:

Action	Date	FR Cite
NPRM	04/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Government Levels Affected: None.

URL for Public Comments: www.regulations.gov.

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RIN: 0960–AH86

SSA

Final Rule Stage

137. Revised Medical Criteria for Evaluating Neurological Impairments (806F)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 11.00 and 111.00, Neurological Impairments, of appendix 1 to subpart P of part 404 of our regulations describe neurological impairments that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments under title XVI. We will revise these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: These final rules are necessary to update the listings for evaluating neurological impairments to reflect advances in medical knowledge, treatment, and methods of evaluating these impairments. The changes will ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: We considered not revising the listings and continuing to use our current criteria. However, we believe that these revisions are preferable because of the medical advances that have been made in treating and evaluating these types of impairments.

Anticipated Cost and Benefits: Estimated Savings—low.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19356
ANPRM Comment Period End.	06/13/05	
NPRM	02/25/14	79 FR 10636
NPRM Comment Period End.	04/28/14	
NPRM Comment Period Re-opened.	05/01/14	79 FR 24634
NPRM Comment Period Re-opened End.	06/02/14	
Final Action	09/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: www.regulations.gov.

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RIN: 0960–AF35

SSA

138. Revised Medical Criteria for Evaluating Respiratory System Disorders (859F)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b

CFR Citation: 20 CFR 404.1500, app 1.

Legal Deadline: None.

Abstract: Sections 3.00 and 103.00, Respiratory System, of appendix 1 to subpart P of part 404 of our regulations describe respiratory system disorders that we consider severe enough to prevent an individual from doing any gainful activity or that cause marked and severe functional limitations for a child claiming SSI payments under title XVI. We will revise these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment.

Statement of Need: These final regulations are necessary to update the Respiratory System listings to reflect advances in medical knowledge, treatment, and methods of evaluating respiratory disorders. The changes will ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: We considered not revising the listings and continuing to use our current criteria. However, we believe that these revisions are preferable because of the medical advances that have been made in treating and evaluating respiratory diseases and because of our adjudicative experience.

Anticipated Cost and Benefits: Estimated costs—low.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/05	70 FR 19358
ANPRM Comment Period End.	06/13/05	
NPRM	02/04/13	78 FR 7968
NPRM Comment Period End.	04/05/13	
Final Action	04/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: www.regulations.gov

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RIN: 0960–AF58

SSA

139. Revised Medical Criteria for Evaluating Mental Disorders (886F)

Priority: Other Significant.

Legal Authority: 42 U.S.C. 402; 42 U.S.C. 405(a); 42 U.S.C. 405(b); 42 U.S.C. 405(d) to 42 U.S.C. 405(h); 42 U.S.C. 416(i); 42 U.S.C. 421(a); 42 U.S.C. 421(h); 42 U.S.C. 421(i); 42 U.S.C. 423; 42 U.S.C. 902(a)(5); 42 U.S.C. 1381a; 42 U.S.C. 1382c; 42 U.S.C. 1383; 42 U.S.C. 1383b

CFR Citation: 20 CFR 404.1500, app 1; 20 CFR 404.1520a; 20 CFR 416.920a; 20 CFR 416.934.

Legal Deadline: None.

Abstract: Sections 12.00 and 112.00, Mental Disorders, of appendix 1 to subpart P of part 404 of our regulations describe those mental impairments that we consider severe enough to prevent a person from doing any gainful activity, or that cause marked and severe functional limitations for a child claiming Supplemental Security Income payments under title XVI. We will revise the criteria in these sections to ensure that the medical evaluation criteria are up-to-date and consistent

with the latest advances in medical knowledge and treatment.

Statement of Need: These regulations are necessary to update the listings for evaluating mental disorders to reflect advances in medical knowledge, treatment, and methods of evaluating these disorders. The changes will ensure that determinations of disability have a sound medical basis, that claimants receive equal treatment through the use of specific criteria, and that people who are disabled can be readily identified and awarded benefits if all other factors of entitlement or eligibility are met.

Summary of Legal Basis: Administrative—not required by statute or court order.

Alternatives: We considered not revising the listings or making only minor technical changes. However, we believe that these revisions are preferable because of the medical advances that have been made in treating and evaluating these types of disorders. We have not comprehensively revised the current listings in over 15 years. Medical advances in disability evaluation and treatment and our program experience make clear that the current listings do not reflect state-of-the-art medical knowledge and technology.

Anticipated Cost and Benefits: Savings estimates for fiscal years 2010 to 2018: (in millions of dollars) OASDI–315, SSI–370.

Risks: None.

Timetable:

Action	Date	FR Cite
ANPRM	03/17/03	68 FR 12639
ANPRM Comment Period End.	06/16/03	
NPRM	08/19/10	75 FR 51336
NPRM Comment Period End.	11/17/10	
NPRM	11/24/10	75 FR 71632
NPRM Comment Period End.	12/09/10	
Final Action	04/00/16	

Regulatory Flexibility Analysis Required: No.

Small Entities Affected: No.

Government Levels Affected: None.

Additional Information: Includes Retrospective Review under E.O. 13563.

URL for Public Comments: www.regulations.gov.

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RIN: 0960–AF69

BILLING CODE 4191–02–P

FEDERAL ACQUISITION REGULATION (FAR)

I. Mission and Overview

The Federal Acquisition Regulation (FAR) was established to codify uniform policies for acquisition of supplies and services by executive agencies. It is issued and maintained jointly, pursuant to the Office of Federal Procurement Policy (OFPP) Reauthorization Act, under the statutory authorities granted to the Secretary of Defense, Administrator of General Services, and the Administrator, National Aeronautics and Space Administration. Statutory authorities to issue and revise the FAR have been delegated to the procurement executives in Department of Defense (DoD), GSA, and National Aeronautics and Space Administration (NASA).

II. Statement of Regulatory and Deregulatory Priorities

Federal Acquisition Regulation Priorities

Specific FAR cases that the FAR Council plans to address in Fiscal Year 2016 include:

Regulations To Improve Small Business Opportunities in Government Contracting

Contracts under the Small Business Administration 8(a) Program—This case clarifies FAR subpart 19.8, ''Contracting with the Small Business Administration (The 8(a) Program).'' (FAR Case 2012–022)

Clarification of Requirement for Justifications for 8(a) Sole-Source Contracts—This case clarifies the requirement for a justification for 8(a) sole-source contracts, in response to GAO Report to the Chairman, Subcommittee on Contracting Oversight, Committee on Homeland Security and Governmental Affairs, U.S. Senate, entitled Federal Contracting: Slow Start to Implementation of Justifications for 8(a) Sole-Source Contracts (GAO–13–118 dated December 2012). (FAR Case 2013–018)

Set-Asides under Multiple Award Contracts—This case implements statutory requirements from the Small Business Jobs Act of 2010 and is aimed at providing agencies with clarifying guidance on how to use multiple-award contracts as a tool to increase Federal contracting opportunities for small businesses. (FAR Case 2014–002)

Small Business Subcontracting Improvements—This case implements statutory requirements from the Small Business Jobs Act of 2010 aimed at protecting small business subcontractors and increasing subcontracting opportunities for small businesses. (FAR Case 2014–003)

Payment of Subcontractors—This case implements section 1334 of the Small Business Jobs Act of 2010 and the Small Business Administration's (SBA) Final Rule 78 FR 42391, Small Business Subcontracting. The rule requires prime contractors of contracts requiring a subcontracting plan to notify the contracting officer in writing if the prime contractor pays a reduced price to a subcontractor or if payment is more than 90 days past due. A contracting officer will then use his or her best judgment in determining whether the late or reduced payment was justified and if not the contracting officer will record the identity of a prime contractor with a history of unjustified untimely payments to subcontractors in the Federal Awardee Performance and Integrity Information System (FAPIIS) or any successor system. (FAR Case 2014–004)

Consolidation and Bundling of Contract Requirements—This case implements statutory requirements from the Small Business Jobs Act of 2010, which created a definition for contract consolidation and limited its use by agencies until certain steps are taken to identify and minimize the negative impact to small businesses. (FAR Case 2014–015)

Sole Source Contracts to Women-Owned Small Businesses—This case implements statutory requirements from the NDAA for FY 2015, which provides for sole source authority under the Women-Owned Small Business (WOSB) Program. The new authority is expected to increase WOSB participation in the Federal marketplace. (FAR Case 2015–032)

Labor—Regulations Which Promote Fair Pay and Safe Workplace Practices

Fair Pay and Safe Workplaces—This rule implements Executive Order 13673, Fair Pay and Safe Workplaces, seeks to increase efficiency in the work performed by Federal contractors by ensuring that they understand and comply with labor laws designed to

promote safe, healthy, fair and effective workplaces. (FAR Case 2014–025)

Establishing a Minimum wage for Contractors—This rule implements Executive Order 13658, Establishing a Minimum Wage for Contractors, which requires agencies, to the extent permitted by law, to include a clause in new solicitations and resultant contracts, specifying, as a condition of payment, that the minimum wage to be paid to workers, in the performance of the contract or any subcontract there under, shall be at least $10.10 per hour beginning January 1, 2015. (FAR Case 2015–003)

Further Amendments to Equal Employment Opportunity—This rule implements Executive Order 13672, dated July 21, 2014, and Department of Labor (DOL) regulations at 41 CFR 60, published December 9, 2014. The Executive Order and the DOL regulations provide for a uniform policy in Federal Government procurement by prohibiting discrimination based on sexual orientation and gender identity. (FAR case 2015–013)

Combating Trafficking in Persons—Definition of ''Recruitment Fees''—This case considers a new definition for the term ''recruitment fees'' at the request of the Senior Policy Operating Group (SPOG) for Combating Trafficking in Persons. (FAR Case 2015–017)

Environmental Rules—Regulations That Promote Environmental Goals

High Global Warming Potential Hydrofluorocarbons—This case facilitates implementation of the President's Climate Action Plan with regard to high global warming potential hydrofluorocarbons. (FAR Case 2014–026)

Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation—This case creates an annual representation within the System for Award Management (SAM) for contractors to indicate if and where they publicly disclose GHG emissions and GHG reduction goals or targets. This information will help the Government assess supplier GHG management practices and assist agencies in developing strategies to engage with contractors to reduce supply chain emissions as directed in section 15 of Executive Order 13693, Planning for Federal Sustainability in the Next Decade, dated March 19, 2015. (FAR Case 2015–024)

Sustainable Acquisition—This case implements E.O. 13693, Planning for Federal Sustainability in the Next Decade, which supersedes E.O.s 13423 and 13514. (FAR Case 2015–033)

Regulations That Promote Protection of Government Information and Systems

Privacy Training—This case creates a FAR clause to require contractors that (1) need access to a system of records, (2) handle personally identifiable information, or (3) design, develop, maintain, or operate a system of records on behalf of the Government, have their personnel complete privacy training. This addition complies with subsections (e) (agency requirements) and (m) (Government contractors) of the Privacy Act (5 U.S.C. 552a). (FAR Case 2010–013)

Organizational Conflicts of Interest and Unequal Access to Information—This case implements section 841 of the NDAA for FY 2009 (Pub. L. 110–147). Section 841 requires consideration of how to address the current needs of the acquisition community with regard to Organizational Conflicts of Interest. Separately addresses issues regarding unequal access to information. (FAR Case 2011–001)

Basic Safeguarding of Contractor Information Systems—This case amends the FAR to implement procedures for safeguarding contractor information systems that contain information provided by or generated for the Government. The purpose of these safeguards is to provide the Government with the necessary assurance that contractors are taking basic security measures on their information systems containing Government information. (FAR Case 2011–020)

Contractor Use of Information—This case addresses contractor access to controlled unclassified information. (FAR Case 2014–021)

Regulations Which Promote Ethics and Integrity in Contractor Performance

Information on Corporate Contractor Performance and Integrity—This case implements section 852 of the NDAA for FY 2013 (Pub. L. 112–239). Section 852 requires that FAPIIS include, to the extent practicable, information on any parent, subsidiary, or successor entities to the corporation. (FAR Case 2013–020)

Prohibition on Contracting with Corporations with Delinquent Taxes or a Felony Conviction.—This case implements multiple sections of the Consolidated and Further Continuing Appropriations Act, 2015. (Pub. L. 113–235) to prohibit using any of the funds appropriated by the Act to enter into a contract with any corporation with a delinquent Federal tax liability or a felony conviction. (FAR case 2015–011)

Prohibition on Providing Funds to the Enemy—This case implements sections 841–843, subtitle E (Never Contract with the Enemy), title VIII, of the National Defense Authorization Act for FY 2015 (Pub. L. 113–291), enacted 12/19/2014. Section 841 prohibits providing funds to the enemy. Section 842 provides additional access to records. Section 843 provides definitions. (FAR Case 2015–014)

Regulations That Streamline and Reduce Unjustified Burdens

Provisions and Clauses for Acquisitions of Commercial Items and Acquisitions That Do Not Exceed the Simplified Acquisition Threshold—This case implements a new approach to the prescription and flowdown for provisions and clauses applicable to the acquisition of commercial items or acquisitions that do not exceed the simplified acquisition threshold. Each clause prescription and each clause flowdown for commercial items is specified within the prescription/clause itself, without having to cross-check another clause or list. The rule supports the use of automated contract writing systems and reduced necessary FAR maintenance when clauses are updated. (FAR Case 2015–004)

Retention Period—This case updates the file retention periods identified at FAR subpart 4.805, Government Contract Files, to conform with the retention periods in the National Archives and Records Administration (NARA) General Records Schedule 1.1, Financial Management and Reporting Records, published on September 12, 2014. (FAR Case 2015–009)

Simplified Acquisition Threshold for Contracts in Support of Humanitarian or Peacekeeping Operation—This case implements 41 U.S.C. 153 by increasing the simplified acquisition threshold for contracts to be awarded and performed, or purchases to be made, outside the United States in support of a humanitarian or peacekeeping operation. (FAR Case 2015–020)

Removal of Regulations Relating to Telegraphic Communication—This case removes the terms ''telegraph,'' ''telegram,'' and related regulations from the FAR, in accordance with OFPP Memorandum dated December 4, 2014, which directed removal or revision of outdated regulations. (FAR Case 2015–035)

Reverse Auction Guidance—This case Implements OFPP memorandum, ''Effective Use of Reverse Auctions.''The memorandum provides guidance on the usage of reverse auctions, and was issued in response to recommendations within GAO report (Reverse Auctions: Guidance is Needed to Maximize Competition and Achieve Cost Savings, GAO–14–108). (FAR Case 2015–038)

Regulations Which Promote Fiscal Responsibility (Accountability and Transparency)

Applicability of the Senior Executive Compensation Benchmark. Proposes retroactive implementation of section 803 of the National Defense Authorization Act for Fiscal

Year 2012 (Pub. L. 112–81), which extends the limitation on allowability of compensation for certain contractor personnel from senior executives to all DoD, NASA, and Coast Guard contractor employees. (FAR Case 2012–025)

Limitation on Allowable Government Contractor Compensation Costs—This case implements Public Law 113–67, which limits costs of compensation of contractor and subcontractor employees. (FAR Case 2014–012)

Strategic Sourcing Documentation—This case implements section 836 of the FY15 NDAA. Section 836 requires that when purchasing services and supplies that are offered under the Federal Strategic Sourcing Initiative but the Initiative in not used, the contract file shall include an analysis of comparative value, including price and nonprice factors, between the services and supplies offered under such Initiative and services and supplies offered under the source or sources used for the purchase. (FAR Case 2015–015)

Prohibition on Reimbursement for Congressional Investigations and Inquiries—This case implements section 857 of the NDAA for FY15, which amends 10 U.S.C. 2324(e)(1). Section 857 disallows costs incurred by a contractor in connection with a congressional investigation or inquiry into an issue that is the subject 10 U.S.C. 2324(k)(2). (FAR Case 2015–016)

Determination of Fair and Reasonable Prices on Orders under Multiple-Award Contracts—This case clarifies the responsibilities for ordering activity contracting officers to determine fair and reasonable prices when using Federal Supply Schedules. (FAR Case 2015–021)

Federal Supply Schedule Order Level Materials—This case provides clarification of the authority to acquire order-level materials when placing a task order or establishing a blanket purchase agreement against a Federal Supply Schedule contract. (FAR Case 2015–023)

Regulations Which Promote Accountability and Transparency

Uniform Use of Line Items—This case establishes a requirement for use of a standardized uniform line item numbering structure in Federal procurement. (FAR Case 2013–014)

Past Performance Evaluation Requirements—This case updates FAR subpart 42.15 to identify ''regulatory compliance'' as a separate evaluation factor in the Contractor Past Performance Assessment System (CPARS) and require agencies use past performance information in the Past Performance Information three years for construction and architect-engineer contracts. (FAR Case 2015–027)

Dated: October 7, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

BILLING CODE 6820–EP–P

FALL 2015 STATEMENT OF REGULATORY PRIORITIES

CFPB Purposes and Functions

The Bureau of Consumer Financial Protection (CFPB or Bureau) was established in 2010 as an independent bureau of the Federal Reserve System by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203, 124 Stat. 1376) (Dodd-Frank Act). Pursuant to the Dodd-Frank Act, the CFPB has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. Among these are the consumer financial protection authorities that transferred to the CFPB from seven Federal agencies on the designated transfer date, July 21, 2011. These authorities include the ability to issue regulations under more than a dozen Federal consumer financial laws.

As provided in section 1021 of the Dodd-Frank Act, the purpose of the CFPB is to implement and enforce Federal consumer financial laws consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that such markets are fair, transparent, and competitive. The CFPB is authorized to exercise its authorities for the purpose of ensuring that, with respect to consumer financial products and services:

(1) Consumers are provided with timely and understandable information to make responsible decisions about financial transactions;

(2) Consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;

(3) Outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens;

(4) Federal consumer financial law is enforced consistently, without regard to status of a person as a depository institution, in order to promote fair competition; and

(5) Markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

CFPB Regulatory Priorities

The CFPB's regulatory priorities for the period from November 1, 2015, to October 31, 2016, include continuing rulemaking activities to address critical issues in various markets for consumer financial products and services and implementing Dodd-Frank Act mortgage protections. The Bureau has also made changes to its long-term agenda, which are discussed below.

Bureau Regulatory Efforts in Various Consumer Markets

The Bureau is working on a number of rulemakings to address important consumer protection issues in a wide variety of markets for consumer financial products and services.

For example, the Bureau is beginning a rulemaking process to follow up on a report it issued to Congress in March 2015, concerning the use of agreements providing for arbitration of any future dispute between covered persons and consumers in connection with the offering or providing of consumer financial products or services. The report, which was required by the Dodd-Frank Act, expanded on preliminary results of arbitration research that had been released by the Bureau in December 2013. Following release of the report, the CFPB analyzed whether rules governing pre-dispute arbitration agreements are warranted, and, if so, what types of rules would be appropriate. The Bureau has preliminarily determined that it should proceed with a rulemaking regarding pre-dispute arbitration agreements. To begin the rulemaking process, the Bureau intends to convene a panel in fall 2015, under the Small Business Regulatory Enforcement Fairness Act and in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy, to consult with small businesses that may be affected by the policy proposals under consideration.

The Bureau is also analyzing consumer protection concerns associated with the use of payday, auto title, and similar lending products in anticipation of the release of a notice of proposed rulemaking to address acts or practices in connection with these

products. In March 2015, as part of the Small Business Regulatory Enforcement Fairness Act process, the Bureau released an outline of proposals under consideration concerning the failure to determine whether consumers have the ability to repay without default or re-borrowing and certain payment collection practices. The Bureau completed the Small Business Regulatory Enforcement Fairness Act process in June 2015. The Bureau had previously released substantial research on certain of these products, issuing a white paper in April 2013, and a data point in March 2014, and is continuing to conduct additional research that it expects to release in conjunction with the rulemaking proposal.

Building on Bureau research and other sources, the Bureau is also engaged in policy analysis and further research initiatives in preparation for a rulemaking on overdraft programs on checking accounts. The CFPB issued a white paper in June 2013, and a report in July 2014, based on supervisory data from several large banks that highlighted a number of possible consumer protection concerns, including how consumers opt in to overdraft coverage for ATM and one-time debit card transactions, overdraft coverage limits, transaction posting order practices, overdraft and insufficient funds fee structures, and involuntary account closures. The CFPB is continuing to engage in additional research and has begun consumer testing initiatives relating to the opt-in process.

In addition, the Bureau also engaged in policy analysis and research initiatives in preparation for a rulemaking on debt collection activities, which are the single largest source of complaints to the federal government of any industry. Building on the Bureau's November 2013, Advance Notice of Proposed Rulemaking, the CFPB is in the process of analyzing the results of a survey to obtain information from consumers about their experiences with debt collection. The Bureau is also undertaking consumer testing initiatives to determine what information would be useful for consumers to have about debt collection and their debts and how that information should be provided to them.

The Bureau is also working on a final rule to create a comprehensive set of protections for general purpose reloadable cards and other similar products, which are increasingly being used by consumers in place of traditional checking accounts or credit cards. The Bureau issued a proposed rule in November 2014, seeking to expressly bring prepaid products within the ambit of Regulation E (which implements the Electronic Fund Transfer Act) as prepaid accounts and to create new provisions specific to such accounts. The proposal would also amend Regulation E and Regulation Z (which implements the Truth in Lending Act) to regulate prepaid accounts with overdraft services or credit features.

The Bureau is also continuing rulemaking activities that will further establish the Bureau's nonbank supervisory authority by defining larger participants of certain markets for consumer financial products and services. Larger participants of such markets, as the Bureau defines by rule, are subject to the Bureau's supervisory authority. The Bureau expects that its next larger participant rulemaking will focus on the markets for consumer installment loans and vehicle title loans for purposes of supervision. The Bureau is also considering whether rules to require registration of these or other non-depository lenders would facilitate supervision, as has been suggested to the Bureau by both consumer advocates and industry groups.

The Bureau is also continuing to develop research on other critical markets to help implement statutory directives and to assess whether regulation of other consumer financial products and services may be warranted. For example, the Bureau is starting its work to implement section 1071 of the Dodd-Frank Act, which amends the Equal Credit Opportunity Act to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. The Bureau will focus on outreach and research to develop its understanding of the players, products, and practices in the small business lending market and of the potential ways to implement section 1071. The CFPB then expects to begin developing proposed regulations concerning the data to be collected and appropriate procedures, information safeguards, and privacy protections for information-gathering under this section.

Implementing Dodd-Frank Act Mortgage Protections

The Bureau is also continuing its efforts to implement critical consumer protections under the Dodd-Frank Act to guard against mortgage market practices that contributed to the nation's most significant financial crisis in several decades. The Bureau has already issued regulations implementing Dodd-Frank Act protections for mortgage originations and servicing and integrating various federal mortgage disclosures as discussed further below.

The Bureau is also working to implement Dodd-Frank amendments to the Home Mortgage Disclosure Act (HMDA), which augment existing data reporting requirements regarding housing-related loans and applications for such loans. In addition to obtaining data that is critical to the purposes of HMDA—which include providing the public and public officials with information that can be used to help determine whether financial institutions are serving the housing needs of their communities, assisting public officials in the distribution of public sector investments, and assisting in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes—the Bureau views this rulemaking as an opportunity to streamline and modernize HMDA data collection and reporting, in furtherance of its mission under the Dodd-Frank Act to reduce unwarranted regulatory burden. The Bureau published a proposed HMDA rule in the **Federal Register** in August 2014, to add several new reporting requirements and to clarify several existing requirements. Publication of the proposal followed initial outreach efforts and the convening of a panel under the Small Business Regulatory Enforcement Fairness Act in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy, to consult with small lenders who may be affected by the rulemaking. As part of the process for developing the HMDA final rule, the Bureau is reviewing and considering public comments on the proposed rule, consulting and coordinating with other agencies, conducting additional outreach to build and refine operational capacity, and preparing to assist financial institutions in their compliance efforts. The Bureau expects to issue a final rule in fall 2015.

Another major effort of the Bureau is the implementation of its final rule combining several federal mortgage disclosures that consumers receive in connection with applying for and closing on a mortgage loan under the Truth in Lending Act (TILA) and the Real Estate Settlement Procedures Act (RESPA). The integrated forms are the cornerstone of the Bureau's broader ''Know Before You Owe'' mortgage initiative. The rule, in most cases, requires that two forms, the Loan Estimate and the Closing Disclosure, replace four different federal disclosures. These new forms will help consumers better understand their

options, choose the deal that is best for them, and avoid costly surprises at the closing table. The Bureau conducted extensive qualitative testing of the new forms prior to issuing a proposal, and also conducted a post-proposal quantitative study to validate the results of the new forms. The results of the quantitative testing showed that consumers of all different experience levels, with loans of different characteristics—whether focused on buying a home or refinancing—were able to understand the Bureau's new forms better than the current forms.

The final rule combining the federal mortgage disclosures under TILA and RESPA was issued in November 2013, and takes effect October 3, 2015. The Bureau has worked intensively to support implementation efforts, including consumer education initiatives. To facilitate implementation, the Bureau has released a small entity compliance guide, a guide to forms, a readiness guide, sample forms, and additional materials. The Bureau has conducted six free, publicly available webinars to answer common questions and hosted an additional webinar targeted at housing counselors. In January 2015, after extensive outreach to stakeholders, the Bureau adopted two minor modifications and technical amendments to the rule to smooth compliance for industry.[1] After discovering an administrative error in June 2015, the Bureau issued a proposal to extend the effective date from August 1, 2015 to October 3, 2015, and finalized the extension of the effective date on July 24, 2015. The Bureau expects to continue working to support implementation of the rule, monitor the market, and make clarifications and adjustments to the rule where warranted.

The Bureau also continues to work in support of the full implementation of, and to facilitate compliance with, various mortgage-related final rules issued by the Bureau in January 2013, to strengthen consumer protections involving the origination and servicing of mortgages. These rules, implementing requirements under the Dodd-Frank Act, were all effective by January 2014. The Bureau is working diligently to monitor the market and continues to make clarifications and adjustments to the rules where warranted. For example, in order to promote access to credit, the Bureau engaged in further research to assess the impact of certain provisions implemented under the Dodd-Frank Act that modify general requirements for small creditors that operate predominantly in ''rural or underserved'' areas and published a notice of proposed rulemaking in the **Federal Register** in February 2015. The Bureau anticipates issuing a final rule in September 2015.

The Bureau also published a proposal in the **Federal Register** in December 2014, to amend various provisions of its mortgage servicing rules in both Regulation X, which implements RESPA, and Regulation Z. The proposal included further clarification of the applicability of certain provisions when the borrower is in bankruptcy, possible additional enhancements to loss mitigation requirements, proposed applicability of certain provisions to successors in interest, and other topics. As the Bureau develops a final rule, it is reviewing and considering public comments on the proposed rule, consulting with other agencies, conducting consumer testing of certain disclosures, and preparing to support implementation and consumer education efforts. The Bureau expects to issue a final rule in late spring 2016.

Further, the Bureau continues to participate in a series of interagency rulemakings to implement various Dodd-Frank Act amendments to TILA and the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) relating to mortgage appraisals. In April 2015, in conjunction with the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Housing Finance Agency, the Bureau issued a final rule adopting certain minimum requirements for appraisal management companies. These joint agency efforts are continuing with further efforts to implement amendments to FIRREA concerning required quality control standards for the use of automated valuation models.

Bureau Long-Term Planning Efforts

The Bureau has also updated its long-term agenda to reflect its expectations beyond fiscal year 2016. As noted in these items, the Bureau intends to explore potential rulemakings to address important issues related to consumer reporting and student loan servicing. The Bureau has also eliminated a listing for certain mortgage-related rulemakings inherited from other agencies pursuant to the transfer of rulemaking authority under the Dodd-Frank Act in 2011. The Bureau remains interested in the subjects of these rulemakings but anticipates that it would develop new proposals rather than finalizing notices that are at least five years old.

With regard to consumer reporting, the Bureau continues to monitor the credit reporting market through its supervisory, enforcement, and research efforts, and to consider prior research, including a white paper the Bureau published on the largest consumer reporting agencies in December 2012, and reports on credit report accuracy produced by the Federal Trade Commission pursuant to the Fair and Accurate Credit Transactions Act. As this work continues, the Bureau will evaluate possible policy responses to issues identified, including potential additional rules or amendments to existing rules governing consumer reporting. Potential topics for consideration might include the accuracy of credit reports, including the processes for resolving consumer disputes, or other issues.

Further, in May 2015, the CFPB issued a request for information seeking comment from the public regarding student loan servicing practices, including those related to payment processing, servicing transfers, complaint resolution, co-signer release, and procedures regarding alternative repayment and refinancing options. In September 2015, the CFPB released a report regarding student loan servicing practices, based, in part, on comments submitted in response to the request for information. The CFPB will also continue to monitor the student loan servicing market for trends and developments. As this work continues, the Bureau will evaluate possible policy responses, including potential rulemaking. Possible topics for consideration might include specific acts or practices and consumer disclosures.

The Bureau has continued work to consider opportunities to modernize and streamline regulations that it inherited from other agencies pursuant to a transfer of rulemaking authority under the Dodd-Frank Act. This work includes implementing the consolidation and streamlining of federal mortgage disclosure forms discussed earlier, and exploring opportunities to reduce unwarranted regulatory burden as part of the HMDA rulemaking. While the Bureau considers the modernizing and streamlining effort to be important, it has determined that aspects of the inherited proposals to amend Regulation Z have become stale with the passage of several years since their issuance. At this point, the Bureau believes that any rulemaking it may undertake in the areas the proposals addressed would be best achieved

[1] 80 FR 8767 (Feb. 19, 2015).

through fresh initiatives that would begin with new proposals based on new reviews of the relevant markets and other appropriate outreach and fact gathering, followed by fresh analyses of any policy and legal issues or concerns presented. The CFPB has been evaluating further action regarding these pending proposals and, at this time, has determined that it will take no further action. The Bureau is continuing to assess the mortgage market on an ongoing basis and will revisit the need to initiate new proposals at a later date.

The Bureau also has begun planning to conduct assessments of significant rules it has adopted, pursuant to section 1022(d) of the Dodd-Frank Act. That section requires the Bureau to conduct such assessments to address, among other relevant factors, the effectiveness of the rules in meeting the purposes and objectives of Title X of the Dodd-Frank Act and the specific goals of the rules assessed, to publish a report of each assessment not later than five years after the effective date of the subject rule, and to invite public comment on recommendations for modifying, expanding, or eliminating the subject rule before publishing each report. The Bureau will provide further information about its expectations for the lookback process as its planning continues.

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CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Statement of Regulatory Priorities

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of death and injury associated with consumer products. To achieve this goal, among other things, the CPSC:

- Develops mandatory product safety standards or bans when other efforts are inadequate to address a safety hazard, or where required by statute;
- obtains repair, replacement, or refunds for defective products that present a substantial product hazard;
- develops information and education campaigns about the safety of consumer products;
- participates in the development or revision of voluntary product safety standards; and
- follows statutory mandates.

Unless directed otherwise by congressional mandate, when deciding which of these approaches to take in any specific case, the CPSC gathers and analyzes data about the nature and extent of the risk presented by the product. The Commission's rules at 16 CFR 1009.8 require the Commission to consider, among other factors, the following criteria when deciding the level of priority for any particular project:

- Frequency and severity of injury;
- causality of injury;
- chronic illness and future injuries;
- costs and benefits of Commission action;
- unforeseen nature of the risk;
- vulnerability of the population at risk;
- probability of exposure to the hazard; and
- additional criteria that warrant Commission attention.

Significant Regulatory Actions:

Currently, the Commission is considering one rule that would constitute a ''significant regulatory action'' under the definition of that term in Executive Order 12866:

1. Flammability Standard for Upholstered Furniture

Under section 4 of the Flammable Fabrics Act (''FFA''), the Commission may issue a flammability standard or other regulation for a product of interior furnishing if the Commission determines that such a standard is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage. The Commission's regulatory proceeding could result in several actions, one of which could be the development of a mandatory standard requiring that upholstered furniture meet mandatory requirements specified in the standard.

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FEDERAL TRADE COMMISSION (FTC)

Statement of Regulatory and Deregulatory Priorities

I. Regulatory and Deregulatory Priorities

Background

The Federal Trade Commission (FTC or Commission) is an independent agency charged by its enabling statute, the Federal Trade Commission Act (FTC Act), with protecting American consumers from ''unfair methods of competition'' and ''unfair or deceptive acts or practices'' in the marketplace. The Commission strives to ensure that consumers benefit from a vigorously competitive marketplace. The Commission's work is rooted in a belief that competition, based on truthful and non-misleading information about products and services, provides consumers the best choice of products and services at the lowest prices.

The Commission pursues its goal of promoting competition in the marketplace through two different but complementary approaches. Unfair or deceptive acts or practices injure both consumers and honest competitors alike and undermine competitive markets. Through its consumer protection activities, the Commission seeks to ensure that consumers receive accurate, truthful, and non-misleading information in the marketplace. At the same time, for consumers to have a choice of products and services at competitive prices and quality, the marketplace must be free from anticompetitive business practices. Thus, the second part of the Commission's basic mission—antitrust enforcement—is to prohibit anticompetitive mergers or other anticompetitive business practices without unduly interfering with the legitimate activities of businesses. These two complementary missions make the Commission unique insofar as it is the Nation's only Federal agency to be given this combination of statutory authority to protect consumers.

The Commission is, first and foremost, a law enforcement agency. It pursues its mandate primarily through case-by-case enforcement of the FTC Act and other statutes. In addition, the Commission is also charged with the responsibility of issuing and enforcing regulations under a number of statutes. The Commission is responsible for enforcing 16 trade regulation rules promulgated pursuant to the FTC Act. Other examples include the regulations enforced pursuant to credit, financial and marketing practice statutes [1] and to energy laws.[2] The Commission also has adopted a number of voluntary industry guides. Most of the regulations and guides pertain to consumer protection matters and are intended to ensure that consumers receive the information necessary to evaluate competing products and make informed purchasing decisions.

Commission Initiatives

The Commission protects consumers through a variety of tools, including both regulatory and non-regulatory

[1] For example, the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN–SPAM Act) (15 U.S.C. 7701–7713) and the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101–6108).

[2] For example, the Energy Policy Act of 1992 (106 Stat. 2776, codified in scattered sections of the U.S. Code, particularly 42 U.S.C. 6201 *et seq.* and the Energy Independence and Security Act of 2007 (EISA)).

approaches. It has encouraged industry self-regulation, developed a corporate leniency policy for certain rule violations, and established compliance partnerships where appropriate.

As detailed below, protecting consumer privacy, preventing and mitigating identity theft, containing the rising costs of health care and prescription drugs, fostering competition and innovation in cutting-edge, high-tech industries, challenging deceptive advertising and marketing, and safeguarding the interests of potentially vulnerable consumers, such as children and the financially distressed, continue to be at the forefront of the Commission's consumer protection and competition programs. By subject area, the FTC discusses some of the major workshops, reports,[3] and initiatives it has pursued since the 2014 Regulatory Plan was published.

(a) Protecting Consumer Privacy. As the nation's top enforcer on the consumer privacy beat, the FTC works to ensure that consumers can take advantage of the benefits of a dynamic and ever-changing digital marketplace without compromising their privacy. The FTC achieves that goal through civil law enforcement, policy initiatives, and consumer and business education. For example, the FTC's unparalleled experience in consumer privacy enforcement has addressed practices offline, online, and in the mobile environment by large, well-known companies and lesser-known players alike.

Data security is an important focus of the Commission's privacy work. Since 2002, the FTC has brought 53 cases against companies that have engaged in unfair or deceptive practices that the Commission alleged put consumers' personal data at unreasonable risk. The agency has been actively monitoring the mobile marketplace to safeguard data privacy and security. For instance, Credit Karma, Inc., and Fandango, LLC, settled charges that they misrepresented the security of their mobile apps and put the sensitive personal information of millions of people at risk.[4] Despite their security promises, these companies allegedly failed to take reasonable steps to secure their mobile apps, leaving people's sensitive personal information vulnerable to attackers who could intercept any of the information the apps sent or received. In addition, Snapchat, Inc., settled charges that it deceived its users when it touted an app's ability to send ''snaps'' that would ''disappear forever'' after a set time.[5] Moreover, the company's alleged failure to secure its Find Friends feature led to a breach that enabled attackers to access usernames and phone numbers for millions of users. The settlement prohibits future misrepresentations and requires the implementation of a comprehensive privacy program.

The ''Start With Security'' initiative helps businesses protect consumers' information through new guidance for businesses that draw on the lessons learned in the more than 50 data security cases brought by the FTC through the years, as well as a series of conferences to be held across the country aimed at small- and medium-sized businesses in various industries, with the first event held on September 9, 2015, in San Francisco, CA, and the second one to be held in Austin, TX, on November 5, 2015. Aimed at start-ups and developers, the September event brought together experts to provide information on security by design, common security vulnerabilities, strategies for secure development, and vulnerability response. The Austin event will provide similar practical tips and guidance for the Austin start-up community.

The business guidance, titled ''Start with Security A Guide for Business,'' was published mid-2015 and lays out ten key steps to effective data security, drawn from the alleged facts in the FTC's data security cases.[6] The document is designed to provide an easy way for companies to understand the lessons learned from those previous cases. It includes references to the cases, as well as plain-language explanations of the security principles at play. In addition to the new guidance, the FTC has also introduced a one-stop Web site that consolidates the Commission's data security information for businesses. It can be found at *www.ftc.gov/datasecurity*.

On January 27, 2015, the staff of the Commission released a report titled ''Internet of Things Privacy & Security in a Connected World'' [7] that recommended a series of concrete steps that businesses can take to enhance and protect consumers' privacy and security, as Americans start to reap the benefits from a growing world of Internet-connected devices. The Internet of Things universe is expanding quickly, and there are now over 25 billion connected devices in use worldwide, with that number set to rise significantly as consumer goods companies, auto manufacturers, healthcare providers, and other businesses continue to invest in connected devices, according to data cited in the report. In addition to the report, the FTC also released a new publication for businesses containing advice about how to build security into products connected to the Internet of Things. ''Careful Connections: Building Security in the Internet of Things'' encourages companies to implement a risk-based approach and take advantage of best practices developed by security experts, such as using strong encryption and proper authentication.[8]

(b) Protecting Children. Children increasingly use the Internet for entertainment, information and schoolwork. The FTC enforces the Children's Online Privacy Protection Act (COPPA) and the COPPA Rule to protect children's privacy when they are online by putting their parents in charge of who gets to collect personal information about their preteen kids. For example, the FTC charged online review site Yelp Inc., and mobile app developer TinyCo, Inc., with improperly collecting children's information in violation of the COPPA Rule.[9] The FTC alleged that Yelp failed to implement a functional age-screen in its apps, which allowed children under 13 to register for the service, despite having an age-screen mechanism on its Web site. The Commission also alleged that many of TinyCo's apps, which used themes appealing to children, brightly colored animated characters, and simple language, were in fact directed at children under 13; TinyCo therefore was required to comply with the COPPA Rule when collecting children's information, such as email addresses. To resolve the Commission's allegations, Yelp paid $450,000 and TinyCo paid $300,000 in civil penalties.

[3] The FTC also prepares a number of annual and periodic reports on the statutes it administers. These are not discussed in this plan.

[4] *In the Matter of Credit Karma,* Docket No. C–4480, Decision and Order, August 13, 2014; *In the Matter of Fandango,* Docket No. C–4481, Decision and Order, August 13, 2014.

[5] *In the Matter of Snapchat,* Docket No. C–4501, Decision and Order, December 23, 2014.

[6] The publication can be found at *https://www.ftc.gov/system/files/documents/plain-language/pdf0205-startwithsecurity.pdf.*

[7] *See* ''Internet of Things Privacy & Security in a Connected World FTC Staff Report (January 2015)'' at *https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-staff-report-november-2013-workshop-entitled-internet-things-privacy/150127iotrpt.pdf.*

[8] *See* ''Careful Connections: Building Security in the Internet of Things'' at *https://www.ftc.gov/system/files/documents/plain-language/pdf0199-carefulconnections-buildingsecurityinternetofthings.pdf.*

[9] *United States of America (on behalf of the FTC),* v. *Yelp Inc.,* No. 3:14–cv–04163 (N.D. CA.) (Stipulated Order For Permanent Injunction And Civil Penalty Judgment) (September 16, 2014); *United States of America (on behalf of the FTC),* v. *TinyCo, Inc.,* No: 3:14–cv–04164 (N.D. CA.) (Stipulated Order For Permanent Injunction And Civil Penalty Judgment) (September 16, 2014).

The Commission is actively litigating to protect children and their parents when children use mobile apps that appeal to children and offer virtual goods for sale. On August 1, 2014, the FTC filed a court complaint alleging that Amazon.com, Inc. billed parents and other account holders for millions of dollars in unauthorized in-app charges incurred by children.[10] Amazon offers many children's apps in its app store for download to mobile devices such as the Kindle Fire. The lawsuit seeks a court order requiring refunds to consumers for the unauthorized charges and permanently banning the company from billing parents and other account holders for in-app charges without their consent. This is the FTC's third case relating to children's in-app purchases; Apple and Google both settled FTC complaints concerning the issue in 2014.[11]

(c) Protecting Seniors. The Commission works vigilantly to fight telephone scams that harm millions of Americans. The agency has aggressively used law enforcement tools [12] as well as efforts to educate consumers about these scams and to find technological solutions that will make it more difficult for scammers to operate and hide from law enforcement. FTC education and outreach programs reach tens of millions of people every year. Among them is the ''Pass It On'' program that provides seniors with information, in English and Spanish, on a variety of scams targeting the elderly.[13] The agency also works with the Elder Justice Coordinating Council to help protect seniors and with the AARP Foundation, whose peer counselors provided fraud-avoidance advice last year to more than a thousand seniors who had filed complaints with the FTC about certain frauds, including lottery, prize promotion, and grandparent scams. The Commission is also promoting initiatives to make it harder for scammers to fake or ''spoof'' their caller Identification information and the more widespread availability of technology that will block calls from fraudsters, essentially operating as a spam filter for the telephone.

(d) Protecting Financially Distressed Consumers. Even as the economy recovers, some consumers continue to face financial challenges. The FTC acts to ensure that consumers are protected from deceptive and unfair credit practices and get the information they need to make informed financial choices. The Commission has continued its enforcement efforts by bringing law enforcement actions to curb deceptive and unfair practices in mortgage rescue, debt relief, auto financing and debt collection.

In June 2015, the Commission initiated a series of Debt Collection Dialogue hearings, with the first one in Buffalo co-hosted by the New York Attorney General's Office. The Buffalo event drew nearly 200 participants, most of them collection industry members. The second hearing was held on September 29, 2015, in Dallas, Texas. On November 18, 2015, the Commission plans to co-host the Atlanta event with the Georgia Attorney General's Office. At each event, the FTC and its state and federal law enforcement partners will discuss recent enforcement actions, consumer complaints about debt collection practices, and compliance issues. The speakers will welcome questions and comments from collection industry members and others who attend.

(e) Fighting Identity Theft. The issue of identity theft has been the top consumer complaint reported to the FTC for the past 15 years, and in 2014, the Commission received more than 330,000 complaints from consumers who were victims of identity theft. On May 14, 2015, the FTC launched *IdentityTheft.gov*, a new resource that makes it easier for identity theft victims to report and recover from identity theft. A Spanish version of the site is also available at *www.RobodeIdentidad.gov*. The new Web site provides an interactive checklist that walks people through the recovery process and helps them understand which recovery steps should be taken upon learning their identity has been stolen. It also provides sample letters and other helpful resources. In addition, the site offers specialized tips for specific forms of identity theft, including tax-related and medical identity theft. The site also has advice for people who have been notified that their personal information was exposed in a data breach.

Tax identity theft is increasingly a growing share of identity theft-related complaints. In January 2015, the FTC sponsored a Tax Identity Theft Awareness Week including, hosting a webinar, bilingual Twitter chats, and several Tax Identity Theft Awareness Week events across the country to raise awareness about tax identity theft and give people tips about how to respond to it. The FTC's Tax Identity Theft Awareness Week Web site [14] provided material for regional events held in the states with the highest reported rates of identity theft.

(f) Ensuring Consumers Benefit From New Technologies While Also Protecting Them.

• *Mobile Cramming.* The widespread adoption of mobile devices has provided many important benefits to consumers, including the convenience of paying for goods and services using a mobile phone. The Commission continues to prosecute crammers—third parties that place unwanted charges on consumers' phone bills—and this past year focused its attention on the role played by mobile carriers. AT&T Mobility, LLC and T-Mobile USA, Inc. agreed to pay $80 million and at least $90 million, respectively, to settle claims that they charged customers hundreds of millions of dollars for third-party subscriptions (such as ringtones and text messages) and pocketed a significant percentage of the charges.[15]

• *Cross Device Tracking.* The Commission will host a workshop on Nov. 16, 2015, to examine the privacy issues around the tracking of consumers' activities across their different information technology devices for advertising and marketing purposes, a practice known as ''cross-device tracking.'' As consumers use an increasingly diverse array of devices, from smart phones to tablets to wearable devices, they interact with platforms, applications, software and publishers in ways that were impossible to conceive even just a few years ago. The workshop will explore a number of questions about the potential benefits to consumers of effective cross-device tracking and examine the potential privacy and security risks.

(g) Promoting Competition in Health Care. The FTC continues to work to eliminate anticompetitive settlements featuring payments by branded drug firms to generic competitors to keep generic drugs off the market (so-called,

[10] *FTC* v. *Amazon.com, Inc.,* No. 2:14–cv–01038 (W.D. Wash.) (Complaint For Permanent Injunction And Other Equitable Relief filed on July 10, 2014) (Order Adopting Stipulated Protective Order entered January 12, 2015).

[11] *In the Matter of Apple Inc.,* Docket No. C–4444, Decision and Order, March 25, 2014; *In the Matter of Google Inc.,* Docket No. 122 3237, Proposed Agreement Containing Consent Order, September 4, 2014.

[12] The FTC has brought approximately 180 cases involving telemarketing fraud against more than 1100 defendants during the past decade.

[13] *See* Pass It On at *http://www.consumer.ftc.gov/features/feature-0030-pass-it-on#identity-theft.*

[14] See *http://www.consumer.ftc.gov/features/feature-0029-tax-identity-theft-awareness-week.*

[15] *Federal Trade Commission* v. *AT&T Mobility, LLC,* No. 1:14–cv–03227–HLM (N.D. Ga.) (Stipulated Order for Permanent Injunction and Monetary Judgment filed October 8, 2014); *Federal Trade Commission* v. *T-Mobile USA, Inc.,* No. 2:14–cv–0097–JLR (W.D. Wa.) (Stipulated Order for Permanent Injunction and Monetary Judgment filed December 22, 2014).

''pay-for-delay'' agreements). It's a practice where the pharmaceutical industry wins, but consumers lose. The brand company protects its drug franchise, and the generic competitor shares in the monopoly profits preserved by avoiding competition. In a significant victory on June 17, 2013, the U.S. Supreme Court held that pay-for-delay agreements between brand and generic drug companies are subject to antitrust scrutiny under an antitrust ''rule of reason'' analysis. *FTC* v. *Actavis, Inc.,* 570 U.S. 756 (2013). Then, on June 17, 2015, the U.S. District Court for the Eastern District of Pennsylvania approved the Federal Trade Commission's record-setting $1.2 billion settlement with Cephalon Inc., which also prohibits Cephalon and the world's largest generic manufacturer, Teva Pharmaceutical Industries Ltd., which acquired Cephalon in 2012, from entering into most kinds of pay-for-delay deals. The underlying case against Cephalon involved paying four generic drug makers to hold off on launching their own version of the narcolepsy treatment drug Provigil.[16]

The FTC now has two active pay-for-delay litigations underway in federal courts. Both of them involve the blockbuster male testosterone replacement drug Androgel, including the *Actavis* case on remand to the U.S. District Court for the Northern District of Georgia and *FTC* v. *AbbVie, Inc.,* in the U.S. District Court for the Eastern District of Pennsylvania.[17]

Another key Commission enforcement priority is preventing mergers that would give health care providers leverage to raise rates charged to commercial health care plans for vital services. The Commission obtained a significant victory for consumers when the Ninth Circuit Court of Appeals upheld a lower court ruling that the combination of the two largest providers of adult primary care physician services in the Nampa, Idaho area would substantially reduce competition.[18] The decision upheld a district court decision, following an 18-day trial, that the St. Luke's Hospital/Saltzer Group merger violated the antitrust laws because it increased St. Luke's ability to demand higher reimbursement rates for its affiliated doctors from commercial health plans without offering benefits that could not be achieved in ways with less of an impact on competition. Moreover, in April 2014, in the first appellate decision in a health care provider merger in 15 years, the U.S. Court of Appeals for the Sixth Circuit upheld the Commission's 2012 decision finding that ProMedica Health System, Inc.'s acquisition of a rival, St. Luke's Hospital in the Toledo, Ohio area, violated the antitrust laws. The Commission's order requires ProMedica to divest St. Luke's Hospital to an FTC-approved buyer.

(h) Promoting Competition in FoodService Distribution Industry. Following a June 23, 2015 ruling by the U.S. District Court for the District of Columbia granting the Federal Trade Commission's request for a preliminary injunction, Sysco and US Foods abandoned their proposed merger, and the Commission dismissed its related administrative complaint.[19] FTC Chairwoman Ramirez commented, ''This proposed merger between the country's two largest foodservice distributors would have likely increased prices paid by restaurants, hotels, cafeterias, and hospitals across the country for food products and related services, and ultimately the prices paid by people eating at those establishments. The FTC is committed to maintaining vigorous competition in markets like this one that directly impact prices consumers pay for everyday purchases.''

(i) State Professional Boards. The FTC works to promote competition across the economy and advocates on behalf of Americans to help prevent occupational licensing requirements, which now govern a significant and growing segment of the economy, from unduly suppressing pro-consumer competition. On February 25, 2015, the Supreme Court affirmed the Commission's position in *North Carolina State Board of Dental Examiners* v. *Federal Trade Commission,* 135 S. Ct. 1101 (2015), by ruling that a state may not give private market participants unsupervised authority to suppress competition even if they act through a formally designated ''state agency.'' In this case, the North Carolina dental board's members, primarily dentists, were drawn from the very occupation they regulate, and they barred non-dentists from offering competing teeth whitening services to consumers. The Court's decision makes clear that state agencies constituted in this manner are subject to the federal antitrust laws unless the state's political processes explicitly authorize and supervise market-related activities by the state agencies.

(j) Fostering Innovation & Competition. For more than two decades, the Commission has examined difficult issues at the intersection of antitrust and intellectual property law—issues related to innovation, standard-setting, and patents. The Commission's work in this area is grounded in the recognition that intellectual property and competition laws share the fundamental goals of promoting innovation and consumer welfare. The Commission has authored several seminal reports on competition and patent law and conducted workshops to learn more about emerging practices and trends.

For instance, the FTC is currently using its authority under Section 6(b) of the Federal Trade Commission Act to explore the impact of patent assertion entity (PAE) activities. Last year, the FTC received authority from the Office of Management and Budget to issue compulsory process orders to PAEs and other industry participants to develop a better understanding of PAE business models. The FTC currently is analyzing data received from respondents, and plans to issue a report summarizing its findings.

(k) Advertising for Homeopathic Products. The Commission hosted a public workshop on September 21, 2015, that examined advertising for over-the-counter (OTC) homeopathic products. During the last few decades, the homeopathic drug industry in the United States has grown considerably from a multimillion-dollar to a multibillion-dollar market. In that time, the homeopathic drug market has shifted from one based primarily on formulations prescribed for an individual user to mass-market formulations widely advertised and sold nationwide in major retail stores. Because of rapid growth in the marketing and consumer use of homeopathic products, the FTC hosted the workshop to evaluate the advertising for such products. The workshop brought together a variety of stakeholders, including medical professionals, industry representatives, consumer advocates, and government regulators.

(l) Alcohol Advertising. The Commission continues to support and monitor industry self-regulation of

[16] *FTC* v. *Cephalon, Inc.,* No. 2:08–CV–02141 (E.D. Pa.) (Stipulated Order for Permanent Injunction and Equitable Monetary Relief filed June 17, 2015).

[17] *FTC* v. *AbbVie, Inc.,* No. 2:14–cv–05151–RK (E.D. Pa.) (Complaint for Injunctive and Other Equitable Relief filed on September 8, 2014).

[18] *Saint Alphonsus Medical Center—Nampa, Inc., et al.* v. *St. Luke's Health System, Ltd.*, No. 1:12–CV–00560–BLW; *FTC and State of Idaho* v. *St. Luke's Health System, Ltd. and Saltzer Medical Group, P.A.,* No. 1:13–CV–00116–BLW, *aff'd.* 778 F.3d 775 (9th Cir. 2015).

[19] *FTC* v. *Sysco, USF Holding Corp., and US Foods, Inc.,* No. 1:15–cv–00256 (D.D.C.) (Memorandum Opinion of United States District Judge Amit P. Mehta Concluding That the Commission Is Likely To Prove That the Proposed Acquisition Violates Section 7 of the Clayton Act filed June 29, 2015).

alcohol marketing to reduce underage targeting. During the Spring of 2014, the FTC released its fourth and most recent report on self-regulation in the alcohol industry, which set out recommendations to further limit alcohol marketing to minors.[20] The Commission also continues to promote the ''We Don't Serve Teens'' consumer education program, supporting the legal drinking age.[21]

(m) Energy Prices. Few issues are more important to consumers and businesses than the prices they pay for gasoline to run their vehicles and energy to heat and light their homes and businesses. Given the impact of energy prices on consumer budgets, the energy sector continues to be a major focus of FTC law enforcement and study. Accordingly, the FTC works to maintain competition in energy industries, invoking all the powers at its disposal—including monitoring industry activities, investigating possible antitrust violations, prosecuting cases, and conducting studies—to protect consumers from anticompetitive conduct in the industry.[22] For example, the Commission recently challenged a proposed acquisition involving two energy companies supplying gasoline in Hawaii. In an administrative complaint issued with a negotiated settlement of charges, the Commission alleged that Par Petroleum's acquisition of Mid Pac Petroleum would likely have substantially lessened competition in the bulk supply of Hawaii-grade gasoline blendstock—which is gasoline before it is blended with ethanol to make finished gasoline.[23] In view of the fundamental importance of oil, natural gas, and other energy resources to the overall vitality of the United States and world economy, we expect that FTC review and oversight of the oil and natural gas industries will remain a centerpiece of our work for years to come.

(n) Remedy Study. The FTC is studying the effectiveness of the Commission's orders in merger cases where it required a divestiture or other remedy. The study will update and expand on the divestiture study the FTC issued in 1999. The new study, which was cleared by the Office of Management and Budget on August 12, 2015, will focus on 90 merger orders issued by the Commission between 2006 and 2012.[24]

(o) Protecting Consumers from Cross-Border Harm. The FTC continues to develop international enforcement cooperation to combat cross-border consumer fraud. The agency has used its statutory authority under the U.S. SAFE WEB Act and complementary tools to share evidence and provide investigative assistance. The agency also continues to participate actively in the International Consumer Protection and Enforcement Network (ICPEN), acting as the network Secretariat and working with foreign counterparts on *www.econsumer.gov*, a Web site in eight languages for filing international consumer complaints. The FTC has expanded its international complaints reporting to include worldwide data by region, and is working to share more such information with foreign law enforcement counterparts. In addition, FTC staff cooperates with foreign criminal enforcers through the International Mass Marketing Fraud Working Group, and with spam and cybercrime enforcers through the ''London Action Plan'' network.

The FTC also continues to advocate for global interoperability and strong privacy enforcement. The agency has brought at least 39 enforcement actionsto support the U.S.-EU Safe Harbor Framework (''Safe Harbor'') for cross-border data transfers. In light of the European Court of Justice's October 6, 2015 decision regarding Safe Harbor, the Commission will continue to work together with the U.S. Department of Commerce and European authorities to develop effective solutions that protect consumer privacy with respect to cross-border data transfers. The agency also continues to strengthen enforcement ties with foreign privacy counterparts. The FTC pursues these relationships both bilaterally, this year for example signing a Memorandum of Understanding with the Dutch data protection authority, and multilaterally, through networks like the Global Privacy Enforcement Network (GPEN) and GPEN Alert.[25]

The FTC strives to promote sound approaches to common issues by building relationships with sister agencies around the world. With over 130 jurisdictions enforcing competition laws, the FTC continues to lead efforts to develop strong mutual enforcement cooperation and sound policy internationally. For example, the FTC co-leads the International Competition Network's (ICN) Agency Effectiveness Working Group and its investigative process initiative. This project resulted in the ICN's adoption of Guidance on Investigative Process, which is the most comprehensive agency-led effort to date to articulate guidance on investigative principles and practices that promote procedural fairness and effective enforcement in the areas of transparency, meaningful engagement with parties, and confidentiality in antitrust investigations, The FTC also was a key drafter of the recently adopted Recommendation of the Organization for Economic Cooperation and Development (OECD) on international cooperation in competition investigations.

In fiscal year 2014, the Commission coordinated with antitrust agencies in 37 investigations, and it is on target to surpass that number in 2015. This included transactions such as Medtronic's acquisition of Covidien, in which we worked with antitrust agencies in multiple jurisdictions, including Canada, China, the European Union, Japan, and Mexico, to reach consistent results.[26] The FTC also participated in the U.S.-China Joint Committee on Commerce and Trade and Strategic and Economic Dialogue teams that recently negotiated commitments with China, including with regard to procedural fairness in anti-monopoly law proceedings. The FTC also played an active role in the Trans-Pacific Partnership and Transatlantic Trade and Investment Partnership agreement that was reached on October 5, 2015 after five years of negotiations.

(p) Self-Regulatory and Compliance Initiatives with Industry. The Commission continues to engage industry in compliance partnerships in the funeral and franchise industries. Specifically, the Commission's Funeral Rule Offender Program, conducted in partnership with the National Funeral Directors Association, is designed to educate funeral home operators found in violation of the requirements of the

[20] *See* Self-Regulation in the Alcohol Industry (March 2014), *available at http://www.ftc.gov/system/files/documents/reports/self-regulation-alcohol-industry-report-federal-trade-commission/140320alcoholreport.pdf.*

[21] More information can be found at *http://www.dontserveteens.gov/.*

[22] Information regarding FTC oil and gas industry initiatives is available at *https://www.ftc.gov/tips-advice/competition-guidance/industry-guidance/oil-and-gas.*

[23] *Par Petroleum Corp.,* FTC File No. 1410171 (F.T.C. Mar. 18, 2015) (proposed consent order), available at *https://www.ftc.gov/enforcement/cases-proceedings/141-0171/par-petroleum-mid-pac-petroleum.*

[24] For more information, see the Remedy Study weblink at *https://www.ftc.gov/policy/studies/remedy-study.*

[25] See October 26, 2015 press release titled ''FTC and Seven International Partners Launch New Initiative to Boost Cooperation in Protecting Consumer Privacy,'' at *https://www.ftc.gov/news-events/press-releases/2015/10/ftc-seven-international-partners-launch-new-initiative-boost.*

[26] See press release ''FTC Puts Conditions on Medtronic's Proposed Acquisition of Covidien'' dated November 26, 2014, at *https://www.ftc.gov/news-events/press-releases/2014/11/ftc-puts-conditions-medtronics-proposed-acquisition-covidien.*

Funeral Rule, 16 CFR 453, so that they can meet the rule's disclosure requirements. More than 485 funeral homes have participated in the program since its inception in 1996. In addition, the Commission established the Franchise Rule Alternative Law Enforcement Program in partnership with the International Franchise Association (IFA), a nonprofit organization that represents both franchisors and franchisees. This program is designed to assist franchisors found to have a minor or technical violation of the Franchise Rule, 16 CFR 436, in complying with the rule. Violations involving fraud or other section 5 violations are not candidates for referral to the program. The IFA teaches the franchisor how to comply with the rule and monitors its business for a period of years. Where appropriate, the program offers franchisees the opportunity to mediate claims arising from the law violations. Since December 1998, 21 companies have agreed to participate in the program.

Rulemakings and Studies Required by Statute

Congress has enacted laws requiring the Commission to undertake rulemakings and studies. This section discusses required rules and studies. The final actions section below describes actions taken on the required rulemakings and studies since the 2014 Regulatory Plan was published.

FACTA Rules. The Commission has issued all of the rules required by FACTA (Fair and Accurate Credit Transactions Act). These rules are codified in several parts of 16 CFR 602 *et seq.,* amending or supplementing regulations relating to the Fair Credit Reporting Act.

FACTA Section 215 Study on Homeowners Insurance and Credit Scores. On March 27, 2009, the Commission issued 6(b) compulsory information requests to the nine largest private providers of homeowner insurance in the nation. The purpose was to help the FTC collect data for its study on the effects of credit-based scores in the homeowner insurance market, a study mandated by section 215 of FACTA. During the summer and fall of 2009, these nine insurers submitted responses to the Commission's requests. FTC staff examined the large policy-level and quote-level data files included in these submissions (containing millions of policies and quotes) and selected a sample for the study. The insurance companies then worked with their vendor to ensure the security of delivering the sample's personally identifiable information (PII) data set to the FTC's own and separate vendor of credit history information. That data was sent to the FTC's vendor, which then sent the credit history data for the sample, stripped of any PII, to the FTC. The FTC's vendor also sent PII data to the Social Security Administration, which in November 2014 provided the FTC with race and ethnicity data for the sample, which is essential for the Report. FTC Bureau of Economics staff expects to have a final draft of the Report ready to circulate to the Commission by the end of the 2015 calendar year. This study is not affected by the Consumer Financial Protection Act.

FACTA Section 319 Study on Improving Accuracy of Consumer Credit Reports. Section 319 of FACTA requires the FTC to study the accuracy and completeness of information in consumers' credit reports and to consider methods for improving the accuracy and completeness of such information. Section 319 of the Act also requires the Commission to issue a series of biennial reports to Congress over a period of 11 years. In January 2015, the Commission issued the sixth and final report; a follow-up study of the credit report accuracy study issued by the FTC in 2012 that examined how many consumers had errors on at least one of three nationwide credit reports. The follow-up study issued in 2015 found that 37 percent of the follow-up study participants who originally disputed errors now accepted the disputed information as correct. The remaining participants believed the disputed information was still incorrect and half of those consumers planned to continue their dispute with the appropriate credit reporting agency. The final study recommends that credit reporting agencies (CRAs) review and improve the process they use to notify consumers about the results of dispute investigations, and that CRAs continue to explore efforts to educate consumers regarding their rights to review their credit reports and dispute inaccurate information.

Retrospective Review of Existing Regulations

In 1992, the Commission implemented a program to review its rules and guides regularly. The Commission's review program is patterned after provisions in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Under the Commission's program, rules are reviewed on a 10-year schedule. For many rules, this has resulted in more frequent reviews than are generally required by section 610 of the Regulatory Flexibility Act. This program is also broader than the review contemplated under the Regulatory Flexibility Act, in that it provides the Commission with an ongoing systematic approach for seeking information about the costs and benefits of its rules and guides and whether there are changes that could minimize any adverse economic effects, not just a ''significant economic impact upon a substantial number of small entities.'' 5 U.S.C. 610.

As part of its continuing 10-year review plan, the Commission examines the effect of rules and guides on small businesses and on the marketplace in general. These reviews may lead to the revision or rescission of rules and guides to ensure that the Commission's consumer protection and competition goals are achieved efficiently and at the least cost to business. In a number of instances, the Commission has determined that existing rules and guides were no longer necessary or in the public interest. Most of the matters currently under review pertain to consumer protection and are intended to ensure that consumers receive the information necessary to evaluate competing products and make informed purchasing decisions. Pursuant to this program, the Commission has rescinded 37 rules and guides promulgated under the FTC's general authority and updated dozens of others since the early 1990s.

In light of Executive Orders 13563 and 13579, the FTC continues to take a fresh look at its long-standing regulatory review process. The Commission is taking a number of steps to ease burdens on business and promote transparency in its regulatory review program:

- The Commission recently issued a revised 10-year review schedule (see next paragraph below) and is accelerating the review of a number of rules and guides in response to recent changes in technology and the marketplace. The Commission is currently reviewing more than 15 of the 65 rules and guides within its jurisdiction.
- The Commission continues to request and review public comments on the effectiveness of its regulatory review program and suggestions for its improvement.
- The FTC maintains a Web page at *http://www.ftc.gov/regreview* that serves as a one-stop shop for the public to obtain information and provide comments on individual rules and guides under review as well as the Commission's regulatory review program generally.

In addition, the Commission's 10-year periodic review schedule includes initiating reviews for the following rules

and guides (80 FR 5713, Feb. 3, 2015) during 2015:

(1) Contact Lens Rule, 16 CFR 315,

(2) Ophthalmic Practice Rules, 16 CFR 456, and

(3) Preservation of Consumers' Claims and Defenses Rule (Holder in Due Course Rule) 16 CFR 433, and during 2016:

(4) Standards for Safeguarding Customer Information, 16 CFR 314,

(5) CAN–SPAM Rule, 16 CFR 316,

(6) Labeling and Advertising of Home Insulation, 16 CFR 460, and

(7) Disposal of Consumer Report Information and Records, 16 CFR 682.

As set out below under *Ongoing Rule and Guide Reviews,* the Commission recently initiated reviews of the Hobby Rules, 16 CFR 304, the Telemarketing Sales Rule (TSR), 16 CFR 308, the Contact Lens Rule, 16 CFR 315, and the Eyeglass Rule, 16 CFR 456.

Ongoing Rule and Guide Reviews

The Commission is continuing review of a number of rules and guides, which are discussed below.

(a) Rules

Premerger Notification Rules and Report Form (or HSR Rules), 16 CFR 801–803. The Premerger Office is considering amendments to the Instructions to the HSR Form to update information related to NAICS (North American Industry Classification System) codes and recent rule changes and to allow the submission of filings on electronic media. The proposed amendments may be issued during the fourth quarter of 2015. The Premerger Office is also considering amendments to the HSR Rules regarding standards for the valuation of potentially reportable transactions. The proposed amendments may be issued during the second quarter of 2016.

Fuel Rating Rule, 16 CFR 306. First issued in 1979, the Fuel Rating Rule (or Automotive Fuel Ratings, Certification and Posting Rule) enables consumers to buy gasoline with an appropriate octane rating for their vehicle and establishes standard procedures for determining, certifying, and posting octane ratings. On March 27, 2014, the Commission proposed amendments to the Rule that would adopt and revise rating, certification, and labeling requirements for blends of gasoline with more than 10 percent ethanol and would allow an alternative octane rating method that would lower compliance costs. 79 FR 18850. The comment period closed on July 2, 2014. In the middle of November 2015, the Commission announced final rule amendments that require entities rate and certify all ethanol fuels to provide useful information to consumers about ethanol concentration and suitability for their cars and engines. Responding to the comments, the final amendments provide greater flexibility for businesses to comply with the ethanol labeling requirements, and do not adopt the alternative octane rating method proposed in the 2014 Notice of Proposed Rulemaking. **Federal Register** publication is expected by December 2015.

Energy Labeling Rule, 16 CFR 305. The Energy Labeling Rule is officially known as the Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act. On November 2, 2015, the Commission issued proposed amendments to the Rule to create requirements related to a new label database on the Department of Energy's Web site, redesign ceiling fan labels, improve and update the comparability ranges for refrigerator labels, revise central air conditioner labels in response to new Department of Energy enforcement requirements, improve water heater labels, and update current plumbing disclosures. 80 FR 67351. The comment period will close on January 11, 2016.[27]

Telemarketing Sales Rule (TSR), 16 CFR 308. Anti-Fraud Provisions—On May 21, 2013, the Commission proposed ''Anti-Fraud'' amendments to the TSR concerning, among other things, the misuse of novel payment methods by telemarketers and sellers. 78 FR 41200 (July 9, 2013). After a short extension, the comment period closed on August 8, 2013. In the middle of November 2015, the Commission announced a final rule action containing ''Anti-Fraud'' amendments. **Federal Register** publication is anticipated by December 2015.

Periodic Rule Review—On August 11, 2014, the Commission initiated periodic review of the TSR as set out on the 10-year review schedule. 79 FR 46732. The comment period as extended closed on November 13, 2014. 79 FR 61267 (Oct. 10, 2014). Staff anticipates making a recommendation to the Commission by the end of 2015.

Privacy Rule, 16 CFR 313. The Privacy Rule or Privacy of Consumer Financial Information Rule requires among other things that certain motor vehicle dealers provide an annual disclosure of their privacy policies to their customers by hand delivery, mail, electronic delivery, or through a Web site, but only with the consent of the consumer. On June 24, 2015, the Commission proposed amending the Rule to allow motor vehicle dealers instead to notify their customers that a privacy policy is available on their Web site, under certain circumstances. 80 FR 36267. The proposed amendment would also revise the scope and definitions in the Rule in light of the transfer of part of the Commission's rulemaking authority to the Consumer Financial Protection Bureau in the Dodd-Frank Wall Street Reform and Consumer Protection Act. The comment period closed on August 31, 2015. Staff anticipates that the Commission will issue a final rule amendment by early 2016.

Hobby Rules, 16 CFR 304. As part of the systematic rule review process, on July 14, 2014, the Commission requested public comments on, among other things, the economic impact and benefits of the Hobby Rules (Rules and Regulations under the Hobby Protection Act); possible conflict between the Rules and State, local, or other Federal laws or regulations; and the effect on the Rules of any technological, economic, or other industry changes. 79 FR 40691. The comment period closed on September 22, 2014. The Hobby Protection Act, 16 U.S.C. 2101–2106, prohibits manufacturing or importing imitation numismatic and collectible political items unless they are marked in accordance with regulations prescribed by the Federal Trade Commission. The implementing Rules prescribe that imitation political items—such as buttons, posters or coffee mugs—must be marked with the calendar year in which they were manufactured, and imitation numismatic items—including coins, tokens and paper money—must be marked with the word ''copy.'' Staff anticipates sending a recommendation to the Commission by early 2016.

Care Labeling Rule, 16 CFR 423. Promulgated in 1971, the Rule on Care Labeling of Textile Apparel and Certain Piece Goods as Amended (the Care Labeling Rule) makes it an unfair or deceptive act or practice for manufacturers and importers of textile wearing apparel and certain piece goods to sell these items without attaching care labels stating ''what regular care is needed for the ordinary use of the product.'' The Rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for the care instructions and allows the use of approved care symbols in lieu of words to disclose care instructions. After reviewing the comments from a periodic rule review (76 FR. 41148; July 13, 2011), the Commission concluded on

[27] See *Final Actions* below for information about a separate completed rulemaking proceeding for the Energy Labeling Rule.

September 20, 2012, that the Rule continued to benefit consumers and would be retained, and sought comments on potential updates to the Rule, including changes that would: Allow garment manufacturers and marketers to include instructions for professional wetcleaning on labels; permit the use of ASTM Standard D5489–07, ''Standard Guide for Care Symbols for Care Instructions on Textile Products,'' or ISO 3758:2005(E), ''Textiles—Care labeling code using symbols,'' in lieu of terms; clarify what can constitute a reasonable basis for care instructions; and update the definition of ''dryclean.'' 77 FR 58338. On March 28, 2014, the Commission hosted a public roundtable in Washington, DC, that analyzed proposed changes to the Rule. Staff anticipates forwarding a recommendation to the Commission by fall 2015.

Used Car Rule, 16 CFR 455. The Used Motor Vehicle Trade Regulation Rule (''Used Car Rule''), 16 CFR 455, sets out the general duties of a used vehicle dealer; requires that a completed Buyers Guide be posted at all times on the side window of each used car a dealer offers for sale; and mandates disclosure of whether the vehicle is covered by a dealer warranty and, if so, the type and duration of the warranty coverage, or whether the vehicle is being sold ''as is-no warranty.'' The Commission published a notice seeking public comments on the effectiveness and impact of the rule. *See* 73 FR 42285 (July 21, 2008). The comment period, as extended and then reopened, ended on June 15, 2009. In response to comments, the Commission published a Notice of Proposed Rulemaking on December 17, 2012 (*See* 77 FR 74746) and a final rule revising the Spanish translation of the window form on December 12, 2012. *See* 77 FR 73912. The extended comment period on the NPRM ended on March 13, 2012. The Commission issued a Supplemental NPRM on November 28, 2014. 79 FR 70804. Staff anticipates forwarding a recommendation to the Commission by the end of 2015.

Contact Lens Rule, 16 CFR 315, and Eyeglass Rule, 16 CFR 456: As part of the systematic rule review process, on September 3, 2015, the Commission issued **Federal Register** notices seeking public comments about the Contact Lens Rule and the Eyeglass Rule (or Trade Regulation Rule on Ophthalmic Practice Rules). 80 FR 53272 (Contact Lens Rule) and 80 FR 53274 (Eyeglass Rule). The comment period extended until October 26, 2015. The Contact Lens Rule requires contact lens prescribers to provide prescriptions to their patients upon the completion of a contact lens fitting, and verify contact lens prescriptions to contact lens sellers authorized by consumers to seek such verification. Sellers may provide contact lenses only in accordance with a valid prescription that is directly presented to the seller or verified with the prescriber. The Eyeglass Rule requires that an optometrist or ophthalmologist must give the patient, at no extra cost, a copy of the eyeglass prescription immediately after the examination is completed. The Rule also prohibits optometrists and ophthalmologists from conditioning the availability of an eye examination, as defined by the Rule, on a requirement that the patient agrees to purchase ophthalmic goods from the optometrist or ophthalmologist.

Safeguards Rule (or Standards for Safeguarding Customer Information), 16 CFR 314: In 2016, the Commission plans to initiate periodic review of the Safeguards Rule as part of its ongoing systematic review of all rules and guides. The Safeguards Rule, as directed by the Gramm-Leach-Bliley Act (GLB), requires each financial institution to develop a written information security program that is appropriate to its size and complexity, the nature and scope of its activities, and the sensitivity of the customer information at issue.

(b) Guides

Jewelry Guides, 16 CFR 23. The Commission sought public comments on its Guides for the Jewelry, Precious Metals, and Pewter Industries, which are commonly known as the Jewelry Guides. 77 FR 39202 (July 2, 2012). Since completing its last review of the Jewelry Guides in 1996, the Commission revised sections of the Guides and addressed other issues raised in petitions from jewelry trade associations. The Guides explain to businesses how to avoid making deceptive claims about precious metal, pewter, diamond, gemstone, and pearl products and when they should make disclosures to avoid unfair or deceptive trade practices. The comment period initially set to close on August 27, 2012, was subsequently extended until September 28, 2012. Staff also conducted a public roundtable to examine possible modifications to the Guides in June 2013. The Commission is currently considering a staff recommendation and expects to take further action by early 2016.

Final Actions

Since the publication of the 2014 Regulatory Plan, the Commission has issued the following final rules or taken other actions to close other rulemaking proceedings.

The Fair Packaging and Labeling Act (FPLA) Rules, 16 CFR 500–502. In November 2015, the Commission concluded its periodic review of the FLPA Rules and issued final rule amendments that modernized the place-of-business listing requirement to incorporate online resources, eliminated obsolete references to commodities advertised using the terms ''cents off,'' ''introductory offer'' and ''economy size,'' and incorporated a more comprehensive metric chart. [Rule Review and Request for Comments. 79 FR 15272 (Mar. 19, 2014)] [NPRM, 80 FR 5491 (Feb. 2, 2015)]. The changes are effective 30 days after the date of publication in the **Federal Register**. The FPLA requires consumer commodities to be marked with statements of: (1) Identity; (2) net quantity of contents; and (3) name and place of the business of manufacturer, packer, or distributor. These requirements serve FPLA's stated purpose of ''enabling consumers to obtain accurate information as to the quantity of the contents and . . . to facilitate value comparisons.''

Consumer Warranty Rules, 16 CFR 701–703. On July 20, 2015, the Commission concluded its review of the Interpretations, Rules, and Guides under the Magnuson-Moss Warranty Act and announced it would keep the Rules and Guides in their present form (Rules at 16 CFR 701–703; Guides at 16 CFR 239) while modifying the Interpretations in 16 CFR 700.10 and 700.11(a). See 80 FR 42710 (Final Rule) (July 20, 2015); 76 FR 52596 (Rule Review; Request for Comments) (Aug. 23, 2011). The Commission revised Part 700.10 of the Interpretations to clarify that implied tying—warranty language that implies to a consumer that warranty coverage is conditioned on the use of select parts or service—is deceptive. It also revised Part 700.10 to state that, to the extent that the Warranty Act's service contract provisions apply to the insurance business, they are effective if they do not interfere with state laws regulating the business of insurance. For more background, the Rule Governing the Disclosure of Written Consumer Product Warranty Terms and Conditions, 16 CFR 701 (Rule 701) establishes requirements for warrantors for disclosing the terms and conditions of written warranties on consumer products actually costing the consumer more than $15.00. The Rule Governing the Pre-Sale Availability of Written Warranty Terms, 16 CFR 702 (Rule 702), requires sellers and warrantors to make the terms of a written warranty available to the consumer prior to sale. The Rule Governing Informal Dispute Settlement

Procedures (IDSM), 16 CFR 703 (Rule 703), establishes minimum requirements for those informal dispute settlement mechanisms that are incorporated by the warrantor into its consumer product warranty. By incorporating the IDSM into the warranty, the warrantor requires the consumer to use the IDSM before pursuing any legal remedies in court. The review also included the related Guides for the Advertising of Warranties and Guarantees, 16 CFR 239, and the Interpretations of Magnuson-Moss Warranty Act, 16 CFR 700.

Cooling Off Rule, 16 CFR 429: On January 9, 2015, the Commission amended the Cooling-Off Rule (or Trade Regulation Rule Concerning Cooling Off Period for Sales Made at Homes or at Certain Other Locations), by increasing the exclusionary limit for all door-to-door sales at locations other than a buyer's residence from $25 up to $130. Under the final rule, the revised definition of door-to-door sale distinguishes between sales at a buyer's residence and those at other locations. The revised definition retains coverage for sales made at a buyer's residence that have a purchase price of $25 or more. 80 FR 1329 (Jan. 9, 2015). The final rule amendment was effective on March 13, 2015.

The Unavailability Rule, 16 CFR 424: On November 19, 2014, the Commission announced the completion of its review of the Unavailability Rule (or Rule on Retail Food Store Advertising and Marketing Practices) and the retention of the Rule in its current form. [Final Rule, 79 FR 70053 (Nov. 25, 2014); ANPRM, 76 FR 51308 (Aug. 12, 2011)]. The Unavailability Rule states that it is a violation of Section 5 of the Federal Trade Commission Act for retail stores of food, groceries, or other merchandise to advertise products for sale at a stated price if those stores do not have the advertised products in stock and readily available to customers during the effective period of the advertisement, unless the advertisement clearly discloses that supplies of the advertised products are limited or are available only at some outlets.

Energy Labeling Rule, 16 CFR 305: On December 29, 2014, the Commission issued a final rule updating label requirements for heating and cooling equipment and removed information from furnace labels about regional conservation standards. 79 FR 77868. The amendments were effective on April 6, 2015.[28] On November 2, 2015, the Commission issued final rule amendments to expand coverage of the Lighting Facts label, require room air conditioner labels on packaging instead of the units themselves, enhance the durability of appliance labels, and improve plumbing disclosure requirements. 80 FR 67285. This action completed the Commission's recent regulatory review of the Energy Labeling Rule.

Summary

In both content and process, the FTC's ongoing and proposed regulatory actions are consistent with the President's priorities. The actions under consideration inform and protect consumers, while minimizing the regulatory burdens on businesses. The Commission will continue working toward these goals. The Commission's 10-year review program is patterned after provisions in the Regulatory Flexibility Act and complies with the Small Business Regulatory Enforcement Fairness Act of 1996. The Commission's 10-year program also is consistent with section 5(a) of Executive Order 12866, which directs executive branch agencies to develop a plan to reevaluate periodically all of their significant existing regulations. 58 FR 51735 (Sept. 30, 1993). In addition, the final rules issued by the Commission continue to be consistent with the President's Statement of Regulatory Philosophy and Principles, Executive Order 12866, section 1(a), which directs agencies to promulgate only such regulations as are, *inter alia,* required by law or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public.

The Commission continues to identify and weigh the costs and benefits of proposed actions and possible alternative actions and to receive the broadest practicable array of comment from affected consumers, businesses, and the public at large. In sum, the Commission's regulatory actions are aimed at efficiently and fairly promoting the ability of ''private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people.'' Executive Order 12866, section 1.

II. Regulatory and Deregulatory Actions

The Commission has no proposed rules that would be a ''significant regulatory action'' under the definition in Executive Order 12866.[29] The Commission has no proposed rules that would have significant international impacts under the definition in Executive Order 13609. Also, there are no international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations under Executive Order 13609.

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[28] *See Ongoing Rule and Guide Reviews* for information about a separate ongoing rulemaking proceeding for the Energy Labeling Rule.

[29] Section 3(f) of Executive Order 12866 defines a regulatory action to be ''significant'' if it is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Statement of Regulatory Priorities

In 1988, Congress adopted the Indian Gaming Regulatory Act (IGRA) (Pub. L. 100–497, 102 Stat. 2475) with a primary purpose of providing ''a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments.'' IGRA established the National Indian Gaming Commission (NIGC or the Commission) to protect such gaming, amongst other things, as a means of generating tribal revenue.

At its core, Indian gaming is a function of sovereignty exercised by tribal governments. In addition, the Federal government maintains a government-to-government relationship with the tribes—a responsibility of the NIGC. Thus, while the Agency is committed to strong regulation of Indian gaming, the Commission is equally committed to strengthening government-to-government relations by engaging in meaningful consultation with tribes to fulfill IGRA's intent. The NIGC's vision is to adhere to principles of good government, including transparency to promote agency accountability and fiscal responsibility, to operate consistently to ensure fairness and clarity in the administration of IGRA, and to respect the responsibilities of each sovereign in order to fully promote tribal economic development, self-sufficiency, and strong tribal governments. The NIGC is fully committed to working with tribes to ensure the integrity of the industry by exercising its regulatory responsibilities

through technical assistance, compliance, and enforcement activities.

Retrospective Review of Existing Regulations

As an independent regulatory agency, the NIGC has been performing a retrospective review of its existing regulations well before Executive Order 13579 was issued on July 11, 2011. The NIGC, however, recognizes the importance of Executive Order 13579 and its regulatory review is being conducted in the spirit of Executive Order 13579, to identify those regulations that may be outmoded, ineffective, insufficient, or excessively burdensome and to modify, streamline, expand, or repeal them in accordance with input from the public. In addition, as required by Executive Order 13175, the Commission has been conducting government-to-government consultations with tribes regarding each regulation's relevancy, consistency in application, and limitations or barriers to implementation, based on the tribes' experiences. The consultation process is also intended to result in the identification of areas for improvement and needed amendments, if any, new regulations, and the possible repeal of outdated regulations.

The following Regulatory Identifier Numbers (RINs) have been identified as associated with the review:

RIN	Title
3141–AA32	Amendment of Definitions.
3141–AA55	Minimum Internal Control Standards.
3141–AA58	Amendment of Approval of Management Contracts.
3141–AA60	Class II Minimum Internal Control Standards.
3141–AA61	Self-Regulation of Class II Gaming.
3141–AA62	Buy Indian Goods and Services (BIGS) Rule.
3141–AA63	Tribal Background Investigations and Licensing.
3141–AA64	Class II Minimum Technical Standards.
3141–AA65	Privacy Act Procedures.

More specifically, the NIGC is currently considering promulgating new regulations in the following areas: (i) Amendments to its regulatory definitions to conform to the newly promulgated rules; (ii) the removal, revision, or suspension of the existing minimum internal control standards (MICS) in part 542; (iii) updates or revisions to its management contract regulations to address the current state of the industry; (iv) the review and revision of the minimum internal control standards for Class II gaming updates; (v) updates and revisions to its Self-Regulation of Class II Gaming regulations; (vi) regulation that would provide a preference to qualified Indian-owned businesses when purchasing goods or services for the Commission at a fair market price; (vii) finalized revisions to the background investigation and licensing regulations in order to streamline the process for submitting information and to distinguish the requirements for temporary and permanent licenses (viii) revisions to the minimum technical standards for gaming equipment used with the play of Class II games and, (ix) revisions to the existing Privacy Act Procedures in part 515 as a means to streamline internal processes.

The NIGC anticipates that the ongoing consultations with tribes will continue to play an important role in the development of the NIGC's rulemaking efforts.

BILLING CODE 7565–01–P

U.S. NUCLEAR REGULATORY COMMISSION'S FISCAL YEAR 2015 REGULATORY PLAN

A. Statement of Regulatory Priorities

Under the authority of the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, the U.S. Nuclear Regulatory Commission (NRC) regulates the possession and use of source, byproduct, and special nuclear material. The NRC's regulatory mission is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. As part of its mission, the NRC regulates the operation of nuclear power plants and fuel-cycle plants; the safeguarding of nuclear materials from theft and sabotage; the safe transport, storage, and disposal of radioactive materials and wastes; the decommissioning and safe release for other uses of licensed facilities that are no longer in operation; and the medical, industrial, and research applications of nuclear material. In addition, the NRC licenses the import and export of radioactive materials. As part of its regulatory process, the NRC routinely conducts comprehensive regulatory analyses that examine the costs and benefits of contemplated regulations. The NRC has developed internal procedures and programs to ensure that it imposes only necessary requirements on its licensees and to review existing regulations to determine whether the requirements imposed are still necessary.

The NRC's Regulatory Plan contains a statement of: (1) The major rules that the NRC expects to publish in final form in fiscal year (FY) 2015 and FY 2016; (2) the other significant rulemakings that the NRC expects to publish in final form in FY 2015; and (3) the other significant rulemakings that the NRC expects to publish in final form in FY 2016 and beyond. Major rules include rules that are likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Other significant rulemakings include rules that are not economically significant but are considered important by the agency. For each major rule and other significant rulemaking, the NRC is including a citation, if available, to an applicable **Federal Register** (FR) notice that provides further information, a summary of the legal basis, an explanation of why the NRC is pursuing the major rule or other significant rulemaking, the schedule, and contact information.

B.1. Major Rules (FY 2015)

The NRC will have published one major rule in final form by the end of FY 2015.

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015 (Regulation Identifier Number (RIN) 3150–AJ44)—Through this rule, the NRC will amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990, as amended, which requires the NRC to recover through fees approximately 90 percent of its budget authority in FY 2015, not including amounts appropriated for Waste Incidental to Reprocessing, the Nuclear Waste Fund, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board. These fees represent the cost of NRC services provided to applicants and licensees. The proposed rule was published in the FR on March 23, 2015 (80 FR 15475), and the comment period ended on April 22, 2015.

B.2. Major Rules (FY 2016)

The NRC anticipates publishing one major rule in final form in FY 2016.

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2016—The NRC will update its requirement to recover approximately 90 percent of its budget authority in FY 2016.

C.1. Other Significant Rulemakings (FY 2015)

The NRC will have published nine other significant rulemakings in final form in FY 2015.

Economic Simplified Boiling-Water Reactor Design Certification (RIN 3150–AI85), was published on October 15, 2014 (79 FR 61943), and effective November 14, 2014.

Definition of a Utilization Facility (RIN 3150–AJ48), was published on October 17, 2014 (79 FR 62329), and effective on December 31, 2014.

Approval of American Society of Mechanical Engineers' Code Cases (RIN 3150–AI72), was published on November 5, 2014 (79 FR 65775), and effective on December 5, 2014.

Holtec International HI—STORM FLOOD/WIND System (RIN 3150–AJ40), was published on October 3, 2014 (79 FR 59623), and effective on December 17, 2014.

NAC International MAGNASTOR® System (RIN 3150–AJ39), was published on January 29, 2015 (80 FR 4757), and effective on April 14, 2015.

Holtec International HI—STORM 100 Cask System (RIN 3150–AJ47), was published on February 5, 2015 (80 FR 6430). Because the NRC received at least one significant adverse comment in response to the companion proposed rule (80 FR 6466), the agency withdrew the direct final rule on April 20, 2015 (80 FR 21639). The NRC will address the adverse comments received on the companion proposed rule in a pending final rule.

Holtec International HI—STORM FLOOD/WIND System (RIN 3150–AJ52), was published on March 19, 2015 (80 FR 14291). The final rule is scheduled to become effective on June 2, 2015, unless significant adverse comments are received.

NAC International MAGNASTOR® System (RIN 3150–AJ50), was published on April 15, 2015 (80 FR 20149). The final rule will be effective on June 29, 2015, unless significant adverse comments are received by May 15, 2015.

One Certificate of Compliance Rulemaking (RIN 3150–AJ58)—This rulemaking will allow power reactor licensees to store spent fuel in an approved cask design under a general license.

The NRC has proposed one other significant rulemaking in FY 2015.

Low-Level Radioactive Waste Disposal (RIN 3150–AI92), was published on March 26, 2015 (80 FR 16082). This proposed rule amends the NRC's regulations governing low-level radioactive waste (LLRW) disposal facilities to require new and revised site-specific technical analyses, to permit the development of site-specific criteria for LLRW acceptance based on the results of these analyses, to facilitate implementation, and to better align the requirements with current health and safety standards. The related guidance document, NUREG–2175, ''Guidance for Conducting Technical Analyses for 10 CFR part 61,'' was published for comment in the same issue of the FR (80 FR 15930). The proposed rule would affect licensees, license applicants, and the Agreement States. Comments on the proposed rule and draft NUREG are due by July 24, 2015.

C.2. Other Significant Rulemakings (FY 2016 and Beyond)

The other significant rulemakings that the NRC anticipates publishing in FY 2016 and beyond are listed below. Some of these regulatory priorities are a result of recommendations from the Fukushima Dai-ichi Near-Term Task Force. In 2011, the NRC established this task force to examine regulatory requirements, programs, processes, and implementation based on information from the Fukushima Dai-ichi site in Japan, following the March 11, 2011, earthquake and tsunami (*see* ''Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident,'' dated July 12, 2011 (the NRC's Agencywide Documents Access and Management System Accession No. ML111861807)).

Mitigation Strategies for Beyond Design Basis Events (RIN 3150–AJ49)—This proposed rule combines two activities for which documents have been published in the FR: Onsite Emergency Response Capabilities (RIN 3150–AJ11; NRC–2012–0031) and Station Blackout Mitigation Strategies (RIN 3150–AJ08; NRC–2011–0299). The rule would amend the NRC's regulations applicable to power reactors to provide requirements for the mitigation of beyond-design-basis events that includes station blackout mitigation strategies and enhanced onsite emergency response capabilities.

Performance-Based Emergency Core Cooling System Acceptance Criteria (RIN 3150–AH42; 79 FR 16105)—This proposed rule would replace prescriptive requirements with performance-based requirements, incorporate recent research findings, and expand applicability to all fuel designs and cladding materials. Further, the proposed rule would allow licensees to use an alternative risk-informed approach to evaluate the effects of debris on long-term cooling.

Containment Protection and Release Reduction for Mark I and Mark II Boiling Water Reactors (RIN 3150–AJ26)—This proposed rule would amend the NRC's regulations to provide a performance-based option for filtering strategies with drywell filtration and severe accident management of boiling-water reactor Mark I and Mark II containments. The proposed rule would also define performance-based requirements to prevent the release of significant amounts of radioactive material from containment following the dominant severe accident sequences at boiling-water reactors with Mark I and Mark II containments and would establish acceptance criteria for confinement strategies.

Enhanced Weapons, Firearms Background Checks, and Security Event Notifications (RIN 3150–AI49)—This proposed rule would implement the NRC's authority under Section 161a of the Atomic Energy Act of 1954, as amended, and revise existing regulations governing security event notifications.

Medical Use of Byproduct Material—Medical Event Definitions, Training and Experience, and Clarifying Amendments (RIN 3150–AI63; 79 FR 42409)—The proposed rule would amend medical use regulations related to medical event definitions for permanent implant brachytherapy; training and experience requirements for authorized users, medical physicists, Radiation Safety Officers, and nuclear pharmacists; and requirements for the testing and reporting of failed molybdenum/technetium and rubidium generators. The proposed rule would also make changes that would allow Associate Radiation Safety Officers to be named on a medical license and make other clarifications. Further, this rulemaking would consider a request filed in a petition for rulemaking (PRM), PRM–35–20, to ''grandfather'' certain board-certified individuals, and per Commission direction in the Staff Requirements Memorandum dated August 13, 2012, to SECY–12–0053, subsume a proposed rule previously published under RIN 3150–AI26, ''Medical Use of Byproduct Material-Amendments/Medical Event Definition'' [NRC–2008–0071].

Physical Protection for Category I, II, and III Special Nuclear Material (RIN 3150–AJ41)—This proposed rule would incorporate numerous post-September 11, 2001, security orders in regulations, develop a revised material attractiveness approach for special nuclear material, and update transportation security regulations.

[FR Doc. 2015–30690 Filed 12–14–15; 8:45 am]

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Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE

Office of the Secretary

2 CFR Subtitle B, Ch. IV

5 CFR Ch. LXXIII

7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII

9 CFR Chs. I–III

36 CFR Ch. II

48 CFR Ch. 4

Semiannual Regulatory Agenda, Fall 2015

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders 12866 ''Regulatory Planning and Review,'' and 13563 ''Improving Regulation and Regulatory Review.'' The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with Executive Order 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at *www.reginfo.gov*. Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

For this edition of the USDA regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online regulatory agenda and in part II of the **Federal Register** that includes the abbreviated regulatory agenda.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: September 22, 2015.

Michael Poe,

Chief, Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
140	National Organic Program, Organic Pet Food Standards	0581–AD20
141	National Organic Program, Organic Apiculture Practice Standard, NOP–12–0063	0581–AD31
142	National Organic Program—Organic Aquaculture Standards	0581–AD34

AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
143	National Organic Program, Origin of Livestock, NOP–11–0009	0581–AD08

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
144	Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs	0579–AB24
145	Scrapie in Sheep and Goats	0579–AC92
146	Plant Pest Regulations; Update of General Provisions	0579–AC98
147	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts.	0579–AD10
148	Brucellosis and Bovine Tuberculosis; Update of General Provisions	0579–AD65

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
149	Importation of Wood Packaging Material From Canada	0579–AD28
150	Treatment of Firewood and Spruce Logs Imported From Canada	0579–AD60
151	Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables.	0579–AD71

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
152	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering	0579–AC31
153	Importation of Beef From a Region in Brazil	0579–AD41
154	Viruses, Serums, Toxins, and Analogous Products; Single Label Claim for Veterinary Biological Products	0579–AD64
155	User Fees for Agricultural Quarantine and Inspection Services	0579–AD77
156	Importation of Beef From a Region in Argentina (**Completion of a Section 610 Review**)	0579–AD92

FOOD AND NUTRITION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
157	Modernizing Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems	0584–AE37
158	Supplemental Nutrition Assistance Program (SNAP): Electronic Benefits Transfer Requirements for Scanning and Product-Lookup Technology.	0584–AE39
159	Food and Nutrition Service Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.	0584–AE42

FOOD AND NUTRITION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
160	National School Lunch and School Breakfast Programs: Nutrition Standards for All Foods Sold in School, as Required by the Healthy, Hunger-Free Kids Act of 2010 (**Reg Plan Seq No. 6**).	0584–AE09
161	National School Lunch and School Breakfast Programs: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010.	0584–AE11
162	Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010 (**Reg Plan Seq No. 7**).	0584–AE18
163	Child Nutrition Programs: Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010.	0584–AE25

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FOOD SAFETY AND INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
164	Elimination of Trichina Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations.	0583–AD59

FOOD SAFETY AND INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
165	Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish	0583–AD36

FOREST SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
166	Ski Area—D Clauses: Resource and Improvement Protection, Water Facilities, and Water Rights (Directive).	0596–AD14

FOREST SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
167	Management of Surface Activities Associated With Outstanding Mineral Rights on National Forest System Lands (Directive).	0596–AD03

OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
168	Designation of Biobased Product Categories for Federal Procurement, Round 11	0599–AA24
169	Designation of Biobased Product Categories for Federal Procurement, Round 12	0599–AA25

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Proposed Rule Stage

140. National Organic Program, Organic Pet Food Standards

Legal Authority: 7 U.S.C. 6501

Abstract: The National Organic Program (NOP) establishes national standards governing the marketing of organically produced agricultural products. In 2004, the National Organic Standards Board (NOSB) initiated the development of organic pet food standards, which had not been incorporated into the NOP regulations, by forming a task force which included pet food manufacturers, organic consultants, etc. Collectively, these experts drafted organic pet food standards consistent with the Organic Foods Production Act of 1990, Food and Drug Administration requirements, and the Association of American Feed Control Officials (AAFCO) Model Regulations for Pet and Specialty Pet Food. The AAFCO regulations are scientifically based regulations for voluntary adoption by State jurisdictions to ensure the safety, quality, and effectiveness of feed. In November 2008, the NOSB approved a final recommendation for organic pet food standards incorporating the provisions drafted by the pet food task force.

Timetable:

Action	Date	FR Cite
NPRM	04/00/16	
Final Action	11/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Miles McEvoy, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20250, *Phone:* 202 720–3252.

RIN: 0581–AD20

141. National Organic Program, Organic Apiculture Practice Standard, NOP–12–0063

Legal Authority: 7 U.S.C. 6501

Abstract: This action proposes to amend the USDA organic regulations to reflect an October 2010 recommendation submitted to the Secretary by the National Organic Standards Board (NOSB) concerning the production of organic apicultural (or beekeeping) products.

Timetable:

Action	Date	FR Cite
NPRM	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Miles McEvoy, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20250, *Phone:* 202 720–3252.

RIN: 0581–AD31

142. National Organic Program—Organic Aquaculture Standards

Legal Authority: 7 U.S.C. 6501 to 6522.

Abstract: This action proposes to establish standards for organic production and certification of farmed aquatic animals and their products in the USDA organic regulations. This action would also add aquatic animals as a scope of certification and accreditation under the National Organic Program (NOP). This action is necessary to establish standards for organic farmed aquatic animals and their products which would allow U.S. producers to compete in the organic seafood market. This action is also necessary to address multiple recommendations provided by USDA by the National Organic Standards Board (NOSB). In 2007 through 2009, the NOSB made five recommendations to establish standards for the certification of organic farmed aquatic animals and their products. Finally, the U.S. currently has organic standards equivalence arrangements with Canada and the European Union (EU). Both Canada and the EU established standards for organic aquaculture products. Because the U.S. does not have organic aquaculture standards, the U.S. is unable to include aquaculture in the scope of these arrangements. Establishing U.S. organic aquaculture may provide a basis for expanding those trade partnerships.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	
Final Action	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Miles McEvoy, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20250, *Phone:* 202 720–3252.

RIN: 0581–AD34

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Final Rule Stage

143. National Organic Program, Origin of Livestock, NOP–11–0009

Legal Authority: 7 U.S.C. 6501

Abstract: The current regulations provide two tracks for replacing dairy animals which are tied to how dairy farmers transition to organic production. Farmers who transition an entire distinct herd must thereafter replace dairy animals with livestock that has been under organic management from the last third of gestation. Farmers who do not transition an entire distinct herd

may perpetually obtain replacement animals that have been managed organically for 12 months prior to marketing milk or milk products as organic. The proposed action would eliminate the two-track system and require that upon transition, all existing and replacement dairy animals from which milk or milk products are intended to be sold, labeled, or represented as organic must be managed organically from the last third of gestation.

Timetable:

Action	Date	FR Cite
NPRM	04/28/15	80 FR 23455
NPRM Comment Period End.	07/27/15	
Final Action	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Miles McEvoy, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20250, *Phone:* 202 720–3252.

RIN: 0581–AD08

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

144. Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: This rulemaking would amend the Animal Welfare Act regulations concerning the humane handling, care, treatment, and transportation of marine mammals in captivity. These proposed changes would affect sections in the regulations relating to variances and implementation dates, indoor facilities, outdoor facilities, space requirements, and water quality. We are also proposing to revise the regulations that relate to swim-with-the-dolphin programs. We believe these actions are necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current industry and scientific knowledge and experience.

Timetable:

Action	Date	FR Cite
ANPRM	05/30/02	67 FR 37731
ANPRM Comment Period End.	07/29/02	
NPRM	11/00/15	
NPRM Comment Period End.	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barbara Kohn, Senior Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737–1234, *Phone:* 301 851–3751.

RIN: 0579–AB24

145. Scrapie in Sheep and Goats

Legal Authority: 7 U.S.C. 8301 to 8317

Abstract: This rulemaking would amend the scrapie regulations by changing the risk groups and categories established for individual animals and for flocks. It would simplify, reduce, or remove certain recordkeeping requirements. This action would provide designated scrapie epidemiologists with more alternatives and flexibility when testing animals in order to determine flock designations under the regulations. It would also make the identification and recordkeeping requirements for goat owners consistent with those for sheep owners. These changes would affect sheep and goat producers and State governments.

Timetable:

Action	Date	FR Cite
NPRM	09/10/15	80 FR 54659
NPRM Comment Period End.	11/09/15	
Final Action	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diane Sutton, Sheep, Goat, Cervid, and Equine Health Center; Surveillance, Preparedness, and Response Services, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737–1235, *Phone:* 301 851–3509.

RIN: 0579–AC92

146. Plant Pest Regulations; Update of General Provisions

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 2260; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8817; 19 U.S.C. 136; 21 U.S.C. 111; 21 U.S.C. 114a; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332

Abstract: We are proposing to revise our regulations regarding the movement of plant pests. We are proposing criteria regarding the movement and environmental release of biological control organisms, and are proposing to establish regulations to allow the importation and movement in interstate commerce of certain types of plant pests without restriction by granting exceptions from permitting requirements for those pests. We are also proposing to revise our regulations regarding the movement of soil. This proposed rule replaces a previously published proposed rule, which we are withdrawing as part of this document. This proposal would clarify the factors that would be considered when assessing the risks associated with the movement of certain organisms and facilitate the movement of regulated organisms and articles in a manner that also protects U.S. agriculture.

Timetable:

Action	Date	FR Cite
Notice of Intent To Prepare an Environmental Impact Statement.	10/20/09	74 FR 53673
Notice Comment Period End.	11/19/09	
NPRM	04/00/16	
NPRM Comment Period End.	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shirley Wager-Page, Chief, Pest Permitting Branch, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 131, Riverdale, MD 20737–1236, *Phone:* 301 851–2323.

RIN: 0579–AC98

147. Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would amend the bovine spongiform encephalopathy (BSE) and scrapie regulations regarding the importation of live sheep, goats, and wild ruminants and their embryos, semen, products, and byproducts. The proposed scrapie revisions regarding the importation of sheep, goats, and susceptible wild ruminants for other than immediate slaughter are similar to those recommended by the World Organization for Animal Health in

restricting the importation of such animals to those from scrapie-free regions or certified scrapie-free flocks.

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	
NPRM Comment Period End.	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Langston Hull, Senior Staff Veterinary Medical Officer, Animal Permitting and Negotiating Services, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231, *Phone:* 301 851–3300.

RIN: 0579–AD10

148. Brucellosis and Bovine Tuberculosis; Update of General Provisions

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 15 U.S.C. 1828; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would consolidate the regulations governing bovine tuberculosis (TB), currently found in 9 CFR part 77, and those governing brucellosis, currently found in 9 CFR part 78. As part of this consolidation, we are proposing to transition the TB and brucellosis programs away from a State status system based on disease prevalence. Instead, States and tribes would implement an animal health plan that identifies sources of the diseases within the State or tribe and specifies mitigations to address the risk posed by these sources. The consolidated regulations also would set forth standards for surveillance, epidemiological investigations, and affected herd management that must be incorporated into each animal health plan, with certain limited exceptions; conditions for the interstate movement of cattle, bison, and captive cervids; and conditions for APHIS approval of tests for bovine TB or brucellosis. Finally, the rulemaking would revise the import requirements for cattle and bison to make these requirements clearer and ensure that they more effectively mitigate the risk of introduction of the diseases into the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Langston Hull, Senior Staff Veterinary Medical Officer, Animal Permitting and Negotiating Services, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231, *Phone:* 301 851–3300.

C. William Hench, Senior Cattle Health Specialist, Cattle Health Center, Surveillance, Preparedness, and Response, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 2150 Centre Avenue, Building B–3E20, Fort Collins, CO 80526, *Phone:* 970 494–7378.

RIN: 0579–AD65

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

149. Importation of Wood Packaging Material From Canada

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations for the importation of unmanufactured wood articles to remove the exemption that allows wood packaging material from Canada to enter the United States without first meeting the treatment and marking requirements of the regulations that apply to wood packaging material from all other countries. This action is necessary in order to prevent the dissemination and spread of pests via wood packaging material from Canada.

Timetable:

Action	Date	FR Cite
NPRM	12/02/10	75 FR 75157
NPRM Comment Period End.	01/31/11	
Final Rule	03/00/16	
Final Action Effective.	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Tyrone Jones, Trade Director, Forestry Products, Phytosanitary Issues Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737–1231, *Phone:* 301 851–2344.

RIN: 0579–AD28

150. Treatment of Firewood and Spruce Logs Imported From Canada

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations to require firewood of all species imported from Canada, including treated lumber (furniture scraps) sold as kindling, and all spruce logs imported from Nova Scotia to be heat-treated and to be accompanied by either a certificate of treatment or an attached commercial treatment label. This action is necessary on an immediate basis to prevent the artificial spread of pests, including emerald ash borer, Asian longhorned beetle, gypsy moth, European spruce bark beetle, and brown spruce longhorn beetle to noninfested areas of the United States, and to prevent further introduction of these pests into the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/16	
Interim Final Rule Comment Period End.	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Tyrone Jones, Trade Director, Forestry Products, Phytosanitary Issues Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737–1231, *Phone:* 301 851–2344.

RIN: 0579–AD60

151. Establishing a Performance Standard for Authorizing the Importation And Interstate Movement of Fruits and Vegetables

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend our regulations governing the importations of fruits and vegetables by broadening our existing performance standard to provide for consideration of all new fruits and vegetables for importation into the United States using a notice-based process. Rather than authorizing new imports through proposed and final rules and specifying import conditions in the regulations, the notice-based process uses **Federal Register** notices to make risk analyses available to the public for review and comment, with authorized commodities and their conditions of entry subsequently being listed on the Internet. It also will remove the region- or commodity-specific phytosanitary

requirements currently found in these regulations. Likewise, we are proposing an equivalent revision of the performance standard in our regulations governing the interstate movements of fruits and vegetables from Hawaii and the U.S. territories (Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and the removal of commodity-specific phytosanitary requirements from those regulations. This action will allow for the consideration of requests to authorize the importation or interstate movement of new fruits and vegetables in a manner that enables a more flexible and responsive regulatory approach to evolving pest situations in both the United States and exporting countries. It will not, however, alter the science-based process in which the risk associated with importation or interstate movement of a given fruit or vegetable is evaluated or the manner in which risks associated with the importation or interstate movement of a fruit or vegetable are mitigated.

Timetable:

Action	Date	FR Cite
NPRM	09/09/14	79 FR 53346
NPRM Comment Period End.	11/10/14	
NPRM Comment Period Reopened.	12/04/14	79 FR 71973
NPRM Comment Period End.	01/09/15	
NPRM Comment Period Reopened.	02/06/15	80 FR 6665
NPRM Comment Period End.	03/10/15	
Final Rule	03/00/16	
Final Rule Effective.	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicole Russo, Assistant Director, Regulatory Coordination and Compliance, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1236, *Phone:* 301 851–2159.

RIN: 0579–AD71

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

152. Introduction of Organisms and Products Altered or Produced Through Genetic Engineering

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 31 U.S.C. 9701

Abstract: We are withdrawing a proposed rule that would have amended the regulations regarding the introduction (importation, interstate movement, and environmental release (field testing)) of certain genetically engineered organisms. We are doing this because of the experience we have gained over the past 28 years, continuing advances in biotechnology, and comments we received on the rule. We will begin a fresh stakeholder engagement to explore alternative policy approaches. This engagement will begin with a series of webinars that will provide the stakeholder community an opportunity to provide initial feedback. Information on these webinars will be announced in the coming month.

Completed:

Reason	Date	FR Cite
NPRM—Withdrawn.	03/04/15	80 FR 11598

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chessa Huff-Woodard, *Phone:* 301 851–3943.

RIN: 0579–AC31

153. Importation of Beef From a Region In Brazil

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking amends the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Brazil (the States of Bahia, Distrito Federal, Espírito Santo, Goiás, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Paraná, Rio Grande do Sul, Rio de Janeiro, Rondônia, São Paulo, Sergipe, and Tocantins). Based on the evidence in a recent risk assessment, we have determined that fresh (chilled or frozen) beef can be safely imported from those Brazilian States provided certain conditions are met. This action provides for the importation of beef from the designated region in Brazil into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease.

Completed:

Reason	Date	FR Cite
Final Rule	07/02/15	80 FR 37923
Final Rule Effective.	08/31/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Silvia Kreindel, *Phone:* 301 851–3313.

RIN: 0579–AD41

154. Viruses, Serums, Toxins, and Analogous Products; Single Label Claim for Veterinary Biological Products

Legal Authority: 21 U.S.C. 151 to 159

Abstract: This rulemaking amends the Virus-Serum-Toxin Act regulations to provide for the use of a simpler labeling format that would better communicate product performance to the user. Under this rulemaking, the previous label format, which reflected any of four different levels of effectiveness, is replaced with a single, uniform label format. We are also requiring biologics licensees to provide a standardized summary, with confidential business information removed, of the efficacy and safety data submitted to the Animal and Plant Health Inspection Service in support of the issuance of a full product license or conditional license. A simpler label format, along with publicly available safety and efficacy data, will help biologics producers to more clearly communicate product performance to their customers.

Completed:

Reason	Date	FR Cite
Final Rule	07/10/15	80 FR 39669
Final Rule Effective.	09/08/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna L. Malloy, *Phone:* 301 851–3426.

RIN: 0579–AD64

155. User Fees for Agricultural Quarantine and Inspection Services

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503

Abstract: This rulemaking will amend the user fee regulations by adding new fee categories and adjusting current fees charged for certain agricultural quarantine and inspection services that are provided in connection with certain

commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international passengers arriving at ports in the customs territory of the United States. It also will adjust the fee caps associated with commercial vessels, commercial trucks, and commercial railcars. Based on the conclusions of a third party assessment of the user fee program and on other considerations, we have determined that revised user fee categories and revised user fees are necessary to recover the costs of the current level of activity, to account for actual and projected increases in the cost of doing business, and to more accurately align fees with the costs associated with each fee service.

Completed:

Reason	Date	FR Cite
Final Rule	10/29/15	80 FR 66747
Final Rule Effective.	12/28/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William E. Thomas, *Phone:* 301 851–2306, Kris Caraher, *Phone:* 301 851–2384.

RIN: 0579–AD77

156. Importation of Beef From a Region in Argentina (Completion of a Section 610 Review)

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking amends the regulations governing the importation of certain animals, meat, and other animal products to allow, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Argentina located north of Patagonia South and Patagonia North B, referred to as Northern Argentina. Based on the evidence in a recent risk analysis, we have determined that fresh (chilled or frozen) beef can be safely imported from Northern Argentina, subject to certain conditions. This action provides for the importation of beef from Northern Argentina into the United States, while continuing to protect the United States against the introduction of foot-and-mouth disease.

Timetable:

Action	Date	FR Cite
NPRM	08/29/14	79 FR 51508
NPRM Comment Period End.	10/28/14	
NPRM Comment Period Reopened.	10/31/14	79 FR 64687
NPRM Comment Period Reopened End.	12/29/14	
Final Rule	07/02/15	80 FR 37935
Final Rule Effective.	09/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Silvia Kreindel, Senior Staff Veterinarian, Regionalization Evaluation Services Staff, NIES, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737–1231, *Phone:* 301 851–3313.

RIN: 0579–AD92

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Proposed Rule Stage

157. Modernizing Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems

Legal Authority: Pub. L. 113–79

Abstract: The Agricultural Act of 2014 (Pub. L. 113–79, the Farm Bill) amended the Food and Nutrition Act of 2008 (the FNA) to include new requirements regarding the acceptance and processing of SNAP client benefits by all non-exempt retailers participating in SNAP. Statutory changes will modernize EBT systems and ensure greater program integrity. The Food and Nutrition Service (FNS) also plans to revise certain SNAP regulations for which multiple State agencies have sought and received approval of waivers. The revisions will streamline program administration, offer greater flexibility to State agencies, and improve customer service.

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–0800, *Email: charles.watford@fns.usda.gov.*

Lynnette M. Thomas, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–4782, *Email: lynnette.thomas@fns.usda.gov.*

RIN: 0584–AE37

158. Supplemental Nutrition Assistance Program (SNAP): Electronic Benefits Transfer Requirements for Scanning and Product–Lookup Technology

Legal Authority: Pub. L. 113–79

Abstract: This rule will align program regulations with changes made by section 4002 of the Agricultural Act of 2014 (Pub. L. 113–79, the Farm Bill), which introduces new technical requirements for point-of-sale (POS) devices in the Electronic Benefits Transfer (EBT) system in section 7(h)(2)(C) of the Food and Nutrition Act of 2008 (the FNA). The Food and Nutrition Service (FNS) will propose to revise existing regulations both to codify these statutory requirements as well as to provide for their effective implementation and enforcement through the clarification of the technical specifications and capabilities required of this equipment and by addressing methods for ensuring compliance. In addition, the Department will define what constitutes an area that has significantly limited access to food to determine who is exempt from this requirement.

Timetable:

Action	Date	FR Cite
NPRM	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles H. Watford, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–0800, *Email: charles.watford@fns.usda.gov.*

Lynnette M. Thomas, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–4782, *Email: lynnette.thomas@fns.usda.gov.*

RIN: 0584–AE39

159. Food and Nutrition Service Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Legal Authority: OMB Guidance, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards''

Abstract: This proposed regulation will implement the final guidance Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published by the Office of Management and Budget (OMB) on December 26, 2013. USDA implementation of the guidance will occur in December 2014 with the OMB joint interim final rule. This Food and Nutrition Service (FNS) rule will update references to the OMB final guidance throughout the FNS rules.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James F. Herbert, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 305–2572, *Email: james.herbert@fns.usda.gov*.

Lynnette M. Thomas, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–4782, *Email: lynnette.thomas@fns.usda.gov*.

RIN: 0584–AE42

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Final Rule Stage

160. National School Lunch and School Breakfast Programs: Nutrition Standards for all Foods Sold in School, as Required by the Healthy, Hunger-Free Kids Act of 2010

Regulatory Plan: This entry is Seq. No. 6 in part II of this issue of the **Federal Register**.

RIN: 0584–AE09

161. National School Lunch and School Breakfast Programs: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010

Legal Authority: Pub. L. 111–296

Abstract: This rule amends National School Lunch Program (NSLP) regulations to conform to requirements contained in the Healthy, Hunger-Free Kids Act of 2010 regarding equity in school lunch pricing and revenue from non-program foods sold in schools. This rule requires school food authorities (SFAs) participating in the NSLP to provide the same level of financial support for lunches served to students who are not eligible for free or reduced price lunches as is provided for lunches served to students eligible for free lunches. This rule also requires that all food sold in a school and purchased with funds from the nonprofit school food service account other than meals and supplements reimbursed by the Department of Agriculture must generate revenue at least proportionate to the cost of such foods.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/17/11	76 FR 35301
Interim Final Rule Effective.	07/01/11	
Interim Final Rule Comment Period End.	09/15/11	
Final Action	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James F. Herbert, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 305–2572, *Email: james.herbert@fns.usda.gov*.

Lynnette M. Thomas, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–4782, *Email: lynnette.thomas@fns.usda.gov*.

RIN: 0584–AE11

162. Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010

Regulatory Plan: This entry is Seq. No. 7 in part II of this issue of the **Federal Register**.

RIN: 0584–AE18

163. Child Nutrition Programs: Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010

Legal Authority: Pub. L. 111–296

Abstract: This final rule codifies a provision of the Healthy, Hunger-Free Kids Act (Pub. L. 111–296; the Act) under 7 CFR parts 210 and 220. Section 204 of the Act requires each local educational agency (LEA) to establish, for all schools under its jurisdiction, a local school wellness policy. The Act requires that the wellness policy include goals for nutrition, nutrition education, physical activity, and other school-based activities that promote student wellness. In addition, the Act requires that local educational agencies ensure stakeholder participation in development of their local school wellness policies, and periodically assess compliance with the policies, and disclose information about the policies to the public.

Timetable:

Action	Date	FR Cite
NPRM	02/26/14	79 FR 10693
NPRM Comment Period End.	04/28/14	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James F. Herbert, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 305–2572, *Email: james.herbert@fns.usda.gov*.

Lynnette M. Thomas, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, *Phone:* 703 605–4782, *Email: lynnette.thomas@fns.usda.gov*.

RIN: 0584–AE25

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

164. • Elimination of Trichina Control Regulations and Consolidation of Thermally Processed, Commercially Sterile Regulations

Legal Authority: Federal Meat Inspection Act (FMIA); Poultry Products Inspection Act (PPIA)

Abstract: Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat inspection regulations to eliminate the requirements for both ready-to-eat (RTE) and not-ready-to-eat (NRTE) pork and pork products to be treated to destroy trichina (*Trichinella spiralis*) because the regulations are inconsistent with the Hazard Analysis and Critical Control Point (HACCP) regulations, and these prescriptive regulations are no longer necessary. If this supplemental proposed rule is finalized, FSIS will end its Trichinella Approved Laboratory Program (TALP program) for the evaluation and approval of non-Federal laboratories that use the pooled sample digestion

technique to analyze samples for the presence of trichina. FSIS is also proposing to consolidate the regulations on thermally processed, commercially sterile meat and poultry products (*i.e.,* canned food products containing meat or poultry).

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Daniel L. Engeljohn, Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW., 349–E JWB, Washington, DC 20250, *Phone:* 202 205–0495, *Fax:* 202 720–2025, *Email: daniel.engeljohn@fsis.usda.gov*.

RIN: 0583–AD59

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Final Rule Stage

165. Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish

Legal Authority: Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 to 695); Pub. L. 110–246, sec 11016; Pub. L. 113–79, sec 12106

Abstract: The 2008 Farm Bill (Pub. L. 110–246, sec. 11016), amended the Federal Meat Inspection Act (FMIA) to make ''catfish'' a species amenable to the FMIA and, therefore, subject to Food Safety and Inspection Service (FSIS) inspection. In addition, the 2008 Farm Bill gave FSIS the authority to define the term ''catfish.'' On February 24, 2011, FSIS published a proposed rule that outlined a mandatory catfish inspection program and presented two options for defining ''catfish.'' The 2014 Farm Bill (Pub. L. 113–79, sec. 12106), amended the FMIA to remove the term ''catfish'' and to make ''all fish of the order Siluriformes'' subject to FSIS jurisdiction and inspection. As a result, FSIS inspection of Siluriformes is mandated by law and non-discretionary.

Timetable:

Action	Date	FR Cite
NPRM	02/24/11	76 FR 10434
NPRM Comment Period End.	06/24/11	
Final Action	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Daniel L. Engeljohn, Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW., 349–E JWB, Washington, DC 20250, *Phone:* 202 205–0495, *Fax:* 202 720–2025, *Email: daniel.engeljohn@fsis.usda.gov*.

RIN: 0583–AD36

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Final Rule Stage

166. Ski Area—D Clauses: Resource and Improvement Protection, Water Facilities, and Water Rights (Directive)

Legal Authority: FSH 2709.11

Abstract: On November 8, 2011, the Forest Service issued an interim directive (FSH 2709.11–2011–3) including a revised clause to address the ownership of water rights developed on National Forest System (NFS) lands for use by ski area permit holders. On March 6, 2012, a second interim directive (FSH 2709.11–2012–1) for the revised ski area water rights clause was issued, superseding the 2011 version. The National Ski Areas Association filed a lawsuit in the United States District Court for the District of Colorado on March 12, 2012, opposing use of the revised clause. On December 19, 2012, the court ruled that the Forest Service had erred in not providing an opportunity for notice and comment on the interim directive and that the agency needed to conduct a Regulatory Flexibility Act analysis of the impact of the directive on small business entities that hold ski area permits. The court vacated the interim directive and enjoined enforcement of the 2011 and 2012 clauses in permits containing them. The proposed directive would address the development of water facilities on NFS lands; the ownership of preexisting and future water rights; mechanisms to ensure sufficient water remains for ski areas on NFS lands; and measures necessary to protect NFS lands and resources. The Forest Service published the proposed ski area water rights clause in the **Federal Register** for public notice and comment. To identify interests and views from a diverse group of stakeholders regarding a revised water rights clause for ski areas, the Forest Service held four stakeholder meetings in April 2013. The input from the stakeholder sessions was considered in the development of the final water rights clause for ski areas.

Timetable:

Action	Date	FR Cite
Proposed Directive.	06/23/14	79 FR 35513
Proposed Directive Comment Period End.	08/22/14	
Final Directive	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LaRenda C. King, Assistant Director, Directives and Regulations, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW., Washington, DC 20250–0003, *Phone:* 202 205–6560, *Email: larendacking@fs.fed.us*.

RIN: 0596–AD14

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Long-Term Actions

167. Management of Surface Activities Associated With Outstanding Mineral Rights on National Forest System Lands (Directive)

Legal Authority: EPA 1992

Abstract: Close to 11,000,000 acres (approximately 6 percent) of National Forest System (NFS) lands overlie severed (split) mineral estates owned by a party other than the Federal Government. More than 75 percent of these lands are in the Eastern Region (Forest Service Regions 8 and 9). There are two kinds of severed mineral estates, generally known as ''private rights'': Reserved and outstanding. Reserved mineral rights are those retained by a grantor in a deed conveying land to the United States. Outstanding mineral rights are those owned by a party other than the surface owner at the time the surface was conveyed to the United States. Because these are non-Federal mineral interests, the U.S. Department of the Interior's Bureau of Land Management has no authority for or role in managing development activities associated with such interests. States have the authority and responsibility for regulating development of the private mineral estate.

Various Secretary's Rules and Regulations (years of 1911, 1937, 1938, 1939, 1947, 1950, and 1963) and Forest Service regulations at 36 CFR 251.15 provide direction for the use of NFS lands for mineral development activities associated with the exercise of reserved mineral rights. These existing rules for reserved minerals development activities also include requirements for protection of NFS resources.

Currently, there are no formal regulations governing the use of NFS lands for activities associated with the exercise of outstanding mineral rights underlying those lands. The Energy Policy Act of 1992, section 2508, directed the Secretary of Agriculture to apply specified terms and conditions to surface-disturbing activities related to development of oil and gas on certain lands with outstanding mineral rights on the Allegheny National Forest, and promulgate regulations implementing that section.

The Forest Service initiated rulemaking for the use of NFS lands for development activities associated with both reserved and outstanding minerals rights with an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on December 29, 2008. Comments from the public in response to the ANPRM conveyed a high level of concern about the broad scope of the rule, along with a high level of concern about effects of a broad rule on small businesses and local economies.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/08	73 FR 79424
ANPRM Comment Period End.	02/27/09	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LaRenda C. King, *Phone:* 202 205–6560, *Email: larendacking@fs.fed.us*.

RIN: 0596–AD03

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE (USDA)

Office of Procurement and Property Management (OPPM)

Proposed Rule Stage

168. • Designation of Biobased Product Categories for Federal Procurement, Round 11

Legal Authority: Pub. L. 113–79

Abstract: This proposed rule will designate, for preferred procurement under the Federal Biobased Products Preferred Procurement Program, approximately 10 intermediate ingredient or feedstock product categories. An intermediate ingredient or feedstock is defined by the BioPreferred Program as a material or compound made in whole or in significant part from biological products. Typical intermediate ingredient or feedstock product categories will include renewable chemicals; plastic resins; chemical binders; oils, fats, and waxes; and fibers and fabrics.

Timetable:

Action	Date	FR Cite
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ron Buckhalt, Manager, BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, Office of Procurement and Property Management, 361 Reporters Building, 300 7th Street SW., Washington, DC 20250, *Phone:* 202 205–4008, *Fax:* 202 720–8972, *Email: ronb.buckhalt@dm.usda.gov*.

RIN: 0599–AA24

169. • Designation of Biobased Product Categories for Federal Procurement, Round 12

Legal Authority: Pub. L. 113–79

Abstract: This proposed rule will designate, for preferred procurement under the Federal Biobased Products Preferred Procurement Program, approximately eight complex assembly product categories. A complex assembly is defined by the BioPreferred program as a system of distinct materials and components assembled to create a finished product with specific functional intent where some or all of the system inputs contain some amount of biobased material or feedstock. Typical complex assembly product categories will include products such as upholstered office chairs and other office furniture; mattresses; backpacks; boots; and other camping gear. The specific product categories to be included in this rulemaking are under investigation by the Office of Procurement and Property Management, but technical information is expected to be available to support the designation of about eight product categories.

Timetable:

Action	Date	FR Cite
NPRM	08/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ron Buckhalt, Manager, BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, Office of Procurement and Property Management, 361 Reporters Building, 300 7th Street SW., Washington, DC 20250, *Phone:* 202 205–4008, *Fax:* 202 720–8972, *Email: ronb.buckhalt@dm.usda.gov*.

RIN: 0599–AA25

[FR Doc. 2015–31019 Filed 12–14–15; 8:45 am]

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FEDERAL REGISTER

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Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Fall 2015 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the spring 2015 agenda. The purpose of the agenda is to provide information to the public on regulations that are currently under review, being proposed, or issued by Commerce. The agenda is intended to facilitate comments and views by interested members of the public.

Commerce's fall 2015 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 2015, through September 30, 2016.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its fall 2015 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of August 13, 2015, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the fall 2015 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities, and a list that identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

In this edition of Commerce's regulatory agenda, a list of the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the issue of the **Federal Register** that includes the Unified Agenda.

In addition, beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov*, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, Commerce's entire Regulatory Plan will continue to be printed in the **Federal Register**.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. These operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office, issue the greatest share of Commerce's regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS' programs, an ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries that require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce's fall 2015 regulatory agenda follows.

Kelly Welsh,

General Counsel.

INTERNATIONAL TRADE ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
170	Antidumping Methodologies: Market Economy Inputs	0625–AA89

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
171	Amendment 5b to the Highly Migratory Species Fishery Management Plan	0648–BD22
172	Comprehensive Fishery Management Plan for Puerto Rico	0648–BD32
173	Comprehensive Fishery Management Plan for St. Croix	0648–BD33
174	Comprehensive Fishery Management Plan for St. Thomas/St. John	0648–BD34
175	Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean.	0648–BD59
176	Amendment 28 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico **(Section 610 Review)**.	0648–BD68
177	Amendment 7 to the FMP for the Dolphin Wahoo Fishery of the Atlantic and Amendment 33 to the FMP for the Snapper-Grouper Fishery of the South Atlantic.	0648–BD76
178	Regulatory Amendment 16 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.	0648–BD78
179	Generic Accountability Measure and Dolphin Allocation Amendment for the South Atlantic Region	0648–BE38
180	Omnibus Acceptable Biological Catch Framework Adjustment	0648–BE65
181	Amendment 35 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–BE70
182	Modification of the Temperature-Dependent Component of the Pacific Sardine Harvest Guideline Control Rule to Incorporate New Scientific Information.	0648–BE77
183	Amendment 44 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs to Modify Right of First Refusal Provisions of the Crab Rationalization Program.	0648–BE98
184	Reductions in Fishing Capacity for Lobster Management Areas 2 and 3	0648–BF01
185	Amendment 109 to the Fishery Management Plan for Groundfish of the BSAI to Facilitate Development of Groundfish Fisheries for Small Vessels in the Western Alaska Community Development Quota Program.	0648–BF05
186	Magnuson-Stevens Fisheries Conservation and Management Act; Seafood Import Monitoring Program	0648–BF09
187	Pacific Coast Groundfish Trawl Rationalization Program; Widow Rockfish Reallocation in the Individual Fishing Quota Fishery.	0648–BF12
188	Framework Amendment 3 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region.	0648–BF14
189	Framework Amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico to Modify Greater Amberjack Allowable Harvest and Management Measures.	0648–BF21
190	Implementation of Salmon Bycatch Management Measures for the Bering Sea Pollock Fishery	0648–BF25
191	Amendment 18 to the Northeast Multispecies Fishery Management Plan **(Section 610 Review)**	0648–BF26
192	Framework Amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico for Red Snapper Commercial Quota Retention for 2016.	0648–BF33

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
193	Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico	0648–AS65
194	Atlantic Highly Migratory Species; Future of the Atlantic Shark Fishery	0648–BA17
195	Implement the 2010 Shark Conservation Act Provisions and Other Regulations in the Atlantic Smoothhound Shark Fishery.	0648–BB02
196	Amendment 7 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan	0648–BC09
197	Implementation of the Inter-American Tropical Tuna Commission Resolution to Establish a Vessel Monitoring System Program in the Eastern Pacific Ocean.	0648–BD54
198	Amendment 8 to the Fishery Management Plan for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region.	0648–BD81
199	Cost Recovery from Amendment 80, Community Development Quota Groundfish and Halibut, American Fisheries Act and Aleutian Islands Pollock, and the Freezer Longline Coalition Pacific Cod Fisheries Man.	0648–BE05
200	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Effort and Catch Limits and Other Restrictions and Requirements.	0648–BE84
201	Revision of Skate Maximum Retainable Amounts in the Gulf of Alaska Groundfish Fishery	0648–BE85
202	Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance **(Section 610 Review)**	0648–BE90
203	Process for Divestiture of Excess Quota Shares **(Section 610 Review)**	0648–BF11
204	Designation of Critical Habitat for the North Atlantic Right Whale	0648–AY54
205	Endangered and Threatened Species: Designation of Critical Habitat for Threatened Lower Columbia River Coho Salmon and Puget Sound Steelhead.	0648–BB30
206	Designation of Critical Habitat for the Arctic Ringed Seal	0648–BC56
207	Revisions to Hawaiian Islands Humpback Whale National Marine Sanctuary Regulations	0648–BD97

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
208	Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BD25
209	Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment	0648–BC45

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
210	Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–BA53
211	Amendment 31 to the Fishery Management Plan for the Bering Sea and Aleutian Islands King and Tanner Crabs.	0648–BA61
212	Amendment 43 to the FMP for BSAI King and Tanner Crabs and Amendment 103 to the FMP for Groundfish of the BSAI.	0648–BC34
213	Pacific Coast Groundfish Trawl Rationalization Program Trailing Action: Rule to Modify Chafing Gear Regulations for Midwater Trawl Gear Used in the Pacific Coast Groundfish Fishery.	0648–BC84
214	Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18; Essential Fish Habitat Descriptions for Pacific Salmon.	0648–BC95
215	Codifying the Initial Vessel Monitoring System Type-Approval Process and Requirements, and the Recertification and Revocation Processes.	0648–BD02
216	Pacific Coast Groundfish Trawl Rationalization Program Trailing Actions: Permitting Requirements for Observer and Catch Monitor Providers **(Section 610 Review)**.	0648–BD30
217	Establishment of Special Management Zones for Delaware Artificial Reefs	0648–BD42
218	Amendment 97 to the Fishery Management Plan for Groundfish of the Gulf of Alaska to Establish Chinook Salmon Prohibited Species Catch Limits for the Non-Pollock Trawl Fisheries.	0648–BD48
219	Amendment 45 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crab Freezer Longline Catcher/Processor Pacific Cod Sideboard Removal **(Section 610 Review)**.	0648–BD61
220	Information Collection Program for Atlantic Surfclam and Ocean Quahog Fisheries	0648–BD64
221	Amendment 100 to the FMP for Groundfish of the BSAI Management Area and Amendment 91 to the FMP for Groundfish of the Gulf of Alaska to add Grenadiers to the Ecosystem Component Category.	0648–BD98
222	Implementation of a Gulf of Alaska Trawl Fishery Economic Data Collection Program	0648–BE09
223	2015–2016 Pacific Coast Groundfish Harvest Specifications and Management Measures and Amendment 24 to the Pacific Coast Groundfish FMP.	0648–BE27
224	Regulatory Amendment to Change the Definition of Sport Fishing Guide Services for Pacific Halibut in International Pacific Halibut Commission Area 2C and Area 3A.	0648–BE41
225	Framework Action to Revise Recreational Accountability Measures for Red Snapper	0648–BE44
226	Amendment 16 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters.	0648–BE46
227	2015–2017 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries.	0648–BE49
228	Framework Adjustment 26 to the Atlantic Sea Scallop Fishery Management Plan **(Section 610 Review)**	0648–BE68
229	Pacific Coast Groundfish Trawl Rationalization Program—Midwater Trawl Fishery Season Date Change **(Section 610 Review)**.	0648–BE72
230	Framework Adjustment 53 to the Northeast Multispecies Fishery Management Plan **(Section 610 Review)**	0648–BE75
231	2015–2016 Atlantic Bluefin Tuna Quotas	0648–BE81
232	Revision of Hawaiian Monk Seal Critical Habitat	0648–BA81
233	2015 Annual Determination to Implement the Sea Turtle Observer Requirement	0648–BE35
234	Amendment to the Atlantic Large Whale Take Reduction Plan	0648–BE83

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Completed Actions

170. • Antidumping Methodologies: Market Economy Inputs

Legal Authority: 19 U.S.C. 1202 note; 19 U.S.C. 1303 note; 19 U.S.C. 1671 *et seq.*; 19 U.S.C. 3538; 5 U.S.C. 301

Abstract: The Department of Commerce (Department) amends its regulations to modify its regulation which states that the Department normally will use the price that a nonmarket economy (NME) producer pays to a market economy supplier when a factor of production is purchased from a market economy supplier and paid for in market economy currency, in the calculation of normal value (NV) in antidumping proceedings involving NME countries. The rule, if adopted, would establish (1) a requirement that the input at issue be produced in one or more market economy countries, and (2) a revised threshold requiring that substantially all of an input be purchased from one or more market economy suppliers before the Department would use the purchase price paid to value the entire factor of production. Through this modification, the Department is announcing its definition of substantially all to be 85 percent of the total purchased volume of the particular input.

Timetable:

Action	Date	FR Cite
NPRM	06/28/12	77 FR 38553
NPRM Comment Period End.	07/30/12	
Final Action	08/02/13	78 FR 46799
Final Action Effective.	09/03/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott McBride, Department of Commerce, International Trade Administration, 14th & Pennsylvania Avenue NW., Washington, DC 20230, *Phone:* 202 482–6292, *Fax:* 202 482–4912, *Email: scott_mcbride@ita.doc.gov*.

RIN: 0625–AA89

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

171. Amendment 5B to the Highly Migratory Species Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

Abstract: This rulemaking would propose management measures for dusky sharks based on a recent stock assessment, taking into consideration comments received on the proposed rule and Amendment 5 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan. This rulemaking could consider a range of commercial and recreational management measures in both directed and incidental shark fisheries including, among other things, gear modifications, time/area closures, permitting, shark identification requirements, and reporting requirements. NMFS determined dusky sharks are still overfished and still experiencing overfishing and originally proposed management measures to end overfishing and rebuild dusky sharks in a proposed rule for Draft Amendment 5 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. That proposed rule also contained management measures for scalloped hammerhead, sandbar, blacknose and Gulf of Mexico blacktip sharks. NMFS decided to move forward with Draft Amendment 5's management measures for scalloped hammerhead, sandbar, blacknose and Gulf of Mexico blacktip sharks in a final rule and final amendment that will now be referred to as ''Amendment 5a'' to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. Dusky shark management measures will be addressed in this separate, but related, action and will be referred to as ''Amendment 5b.''

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East–West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BD22

172. Comprehensive Fishery Management Plan for Puerto Rico

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

Abstract: This comprehensive Puerto Rico Fishery Management Plan will incorporate, and modify as needed, federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to Puerto Rico exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of Puerto Rico. If approved, this new Puerto Rico Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD32

173. Comprehensive Fishery Management Plan for St. Croix

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

Abstract: This comprehensive St. Croix Fishery Management Plan will incorporate, and modify as needed, federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Croix exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Croix. If approved, this new St. Croix Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for Puerto Rico and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD33

174. Comprehensive Fishery Management Plan for St. Thomas/St. John

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

Abstract: This comprehensive St. Thomas/St. John Fishery Management Plan will incorporate, and modify as needed, federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Thomas/St. John exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Thomas/St. John. If approved, this new St. Thomas/St. John Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for St. Croix and Puerto Rico, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD34

175. Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commission program to monitor transshipments by large-scale tuna fishing vessels, and would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: criteria for transshipping in port; criteria for transshipping at sea by longline vessels to an authorized carrier vessel with an Inter-American Tropical Tuna Commission observer onboard and an operational vessel monitoring system; and require the Pacific Transshipment Declaration Form, which must be used to report transshipments in the Inter-American Tropical Tuna Commission Convention Area. The rule is neither applicable to troll and pole-and-line vessels, nor to vessels that transship fresh fish at sea. The frequency of transshipments in the Eastern Pacific Ocean is uncertain, but only a few transshipments are expected annually. A similar rule was adopted in the Western and Central Pacific Ocean and the National Marine Fisheries Service calculated that an average of twenty-four at-sea transshipments of fish caught by longline gear there have occurred annually from 1993 through 2009. Transshipments in the Eastern Pacific Ocean are likely to be much less than twenty-four per year. This rule is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Building 1, Seattle, WA 98115, *Phone:* 206 526–6150, *Email: will.stelle@noaa.gov*.

RIN: 0648–BD59

176. Amendment 28 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Section 610 Review)

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

Abstract: The current allocation of red snapper between the commercial and recreational sectors is 51:49 percent, respectively. The Gulf of Mexico Fishery Management Council (Council) is considering a change in the allocation with the aim of increasing the net benefits from red snapper fishing and increasing the stability of the red snapper recreational component of the reef fish fishery. The rule will consider options that would increase the recreational sector's allocation above 49 percent.

Timetable:

Action	Date	FR Cite
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD68

177. Amendment 7 to the FMP for the Dolphin Wahoo Fishery of the Atlantic and Amendment 33 to the FMP for the Snapper-Grouper Fishery of the South Atlantic

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

Abstract: The purpose of Amendment 7 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic is to allow fishermen to bring dolphin and wahoo fillets from The Commonwealth of The Bahamas into the U.S. Economic Exclusive Zone (EEZ). Regulations at 50 CFR 622.186(b) currently allows fillets of snapper grouper species from The Bahamas to be brought into the U.S. EEZ. Additionally, regulations would be updated for snapper grouper species and dolphin and wahoo to require all fillets to have the skin intact; and consider an exemption from bag limits for dolphin and wahoo in the U.S. EEZ. The need for this action is to increase economic and social benefits to fishermen by removing unnecessary restrictions and implementing regulations for dolphin and wahoo that are consistent with snapper grouper species.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD76

178. Regulatory Amendment 16 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region

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

Abstract: Regulatory Amendment 16 contains an action to address the prohibition on the use of black sea bass pots annually from November 1 through April 30 that was implemented through Regulatory Amendment 19. The prohibition was a precautionary measure to prevent interactions between black sea bass pot gear and whales listed under the Endangered Species Act during large whale migrations and the right whale calving season off the southeastern coast. The South Atlantic Fishery Management Council, through Regulatory Amendment 16, is considering removal of the closure, changing the length of the closure, and changing the area of the closure. The goal is to minimize adverse socio-economic impacts to black sea bass pot endorsement holders while maintaining protection for Endangered Species Act-listed whales in the South Atlantic region.

Timetable:

Action	Date	FR Cite
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD78

179. Generic Accountability Measure and Dolphin Allocation Amendment for the South Atlantic Region

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

Abstract: The action would include Amendment 34 to the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region, Amendment 9 to the FMP for the Golden Crab Fishery of the South Atlantic Region, and Amendment 8 to the FMP for the Dolphin-Wahoo Fishery of the Atlantic. Currently, there are inconsistent accountability measures for federally-managed species in the South Atlantic, except for inseason closures of the commercial sector when a commercial annual catch limit is met or projected to be met. Therefore, Amendment 34 and Amendment 9 would propose modifications to accountability measures for snapper-grouper species and golden crab to create a more consistent regulatory environment while ensuring overfishing does not occur. Amendment 8 would consider alternatives to modify sector allocations for dolphin. The current method for determining allocations is based on a time series of data from 1999–2008. Dolphin landings data starting from 1986 are available, and the South Atlantic Fishery Management Council is reexamining the sector allocations based on this expanded times series of data.

Timetable:

Action	Date	FR Cite
Notice	07/15/15	80 FR 41472
NPRM	11/00/15	
Final Action	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BE38

180. Omnibus Acceptable Biological Catch Framework Adjustment

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

Abstract: This action would make two administrative adjustments to the Mid-Atlantic Fishery Management Council's (Council) Omnibus Annual Catch Limit Amendment: (1) Adjust the Council's risk policy so that the Scientific and Statistical Committee may apply an average probability of overfishing when recommending multi-year Acceptable Biological Catches; and (2) make all of the Council's fishery management plans consistent in allowing new status determination criteria (overfishing definitions, etc.) to be accepted as the best available scientific information.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BE65

181. Amendment 35 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

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

Abstract: Amendment 35 would consider removing black snapper, dog snapper, mahogany snapper, and schoolmaster from the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region because these species have extremely low commercial landings in state and Federal waters. Almost all harvest (recreational and commercial) occurs in South Florida, and the Florida Fish and Wildlife Conservation Commission has agreed that if the four species are removed from the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region they will extend state regulations for those species into Federal waters. Additionally, the South Atlantic Fishery Management Council (Council) desires consistent regulations for snapper-grouper species caught primarily in South Florida. Removing the four subject species would establish a consistent regulatory environment in Federal and state waters off southern Florida where they are most frequently encountered. Amendment 35 would also clarify in accordance with the Council's intent regulations governing use of golden tilefish longline endorsements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BE70

182. Modification of the Temperature–Dependent Component of the Pacific Sardine Harvest Guideline Control Rule to Incorporate New Scientific Information

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

Abstract: Pursuant to a recommendation of the Pacific Fishery Management Council (Council) under the Magnuson-Stevens Act, the National Marine Fisheries Service (NMFS) is proposing to use a new temperature index to calculate the temperature parameter of the Pacific sardine harvest guideline control rule under the Fishery Management Plan. The harvest guideline control rule, in conjunction with the overfishing limit and acceptable biological catch control rules, is used to set annual harvest levels for Pacific sardine. The temperature parameter is calculated annually. NMFS determined that a new temperature index is more statistically sound and this action will adopt that index. This action also will revise the upper temperature limit to allow for additional sardine harvest where prior guidelines set catch unnecessarily low.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Building 1, Seattle, WA 98115, *Phone:* 206 526–6150, *Email: will.stelle@noaa.gov*.

RIN: 0648–BE77

183. Amendment 44 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs To Modify Right of First Refusal Provisions of the Crab Rationalization Program

Legal Authority: 16 U.S.C. 1862 *et seq.;* Pub. L. 109–241; Pub. L. 109–479

Abstract: This rule would amend the Bering Sea and Aleutian Islands Crab Rationalization Program through two actions intended to benefit eligible crab

communities by enhancing opportunities to retain community historical processing interests in the Bering Sea and Aleutian Islands crab fisheries. The action would modify the right of first refusal provisions that provide eligible crab community entities with the opportunity to purchase processor quota shares and other associated assets proposed for sale. The first action would affect about 21 processor quota shareholders. The rule would require all persons holding processor quota share to provide annual notification to NMFS regarding the status of the right of first refusal for all processor quota share holdings. The second action would amend regulations to separate the combined individual fishing quota/individual processor quota application into two applications, and revise reporting requirements for crab cooperatives.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*

RIN: 0648–BE98

184. • Reductions in Fishing Capacity for Lobster Management Areas 2 and 3

Legal Authority: 16 U.S.C. 5101 *et seq.*

Abstract: This action proposes several reductions in fishing capacity for Lobster Management Areas 2 and 3. The proposed measures include: Caps on the number of traps that can be actively fished; caps on the number of traps associated with a permit (*i.e.,* allowing trap banking); and caps on the number of traps or permits issued to a given owner. This action is intended to assist in rebuilding the Southern New England lobster stock.

Timetable:

Action	Date	FR Cite
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BF01

185. • Amendment 109 to the Fishery Management Plan for Groundfish of the BSAI To Facilitate Development of Groundfish Fisheries for Small Vessels in the Western Alaska Community Development Quota Program

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

Abstract: This action would amend the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and revise regulations governing the groundfish and halibut fisheries managed under the Western Alaska Community Development Quota Program in order to support increased participation in the groundfish Community Development Quota fisheries (primarily Pacific cod) by catcher vessels less than or equal to 46 feet (14.0 m) length overall using hook-and-line gear. This action is necessary to promote the goals of the Community Development Quota Program, to increase participation by residents of Community Development Quota communities in the Bering Sea and Aleutian Islands Management Area groundfish and halibut fisheries, and to support economic development in western Alaska. This action would benefit the six Community Development Quota groups and the operators of the small catcher vessels that the Community Development Quota groups authorize to fish on their behalf by reducing the costs of participating in the groundfish and halibut Community Development Quota fisheries.

Timetable:

Action	Date	FR Cite
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BF05

186. • Magnuson-Stevens Fisheries Conservation and Management Act; Seafood Import Monitoring Program

Legal Authority: 16 U.S.C. 1857(1)(Q)

Abstract: On March 15, 2015, the Presidential Task Force on Combating Illegal, Unreported, and Unregulated Fishing and Seafood Fraud (Task Force), co-chaired by the Departments of Commerce and State, published its action plan to implement Task Force recommendations for a comprehensive framework of integrated programs to combat illegal, unreported, and unregulated fishing and seafood fraud. The plan identifies actions that will strengthen enforcement, create and expand partnerships with state and local governments, industry, and non-governmental organizations, and create a traceability program to track seafood from harvest to entry into U.S. commerce, including the use of existing traceability mechanisms. As part of that plan, NMFS proposes regulatory changes to improve the administration of the MSA prohibition on the entry into interstate or foreign commerce of any fish taken in violation of any foreign law or regulation. The proposed rule includes adjustments to permitting and reporting requirements to provide for traceability of seafood products offered for entry into the U.S. supply chain, and to ensure that these products were lawfully acquired. Requirements for an international trade permit and reporting on the origin of certain imported or exported fishery products were previously established by regulations applicable to a number of specified fishery products. This rulemaking would extend those existing permitting and reporting requirements to additional fish species and seafood products. It is anticipated that these changes will not significantly affect current levels of trade in seafood products nor activity by U.S. importers and exporters issued Fisheries International Trade permits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/15	
Final Action	08/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Henderschedt, Director, Office for International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East West Highway, Room 10362, Silver Spring, MD 20910, *Phone:* 301 427–8314, *Email: john.henderschedt@noaa.gov*.

RIN: 0648–BF09

187. • Pacific Coast Groundfish Trawl Rationalization Program; Widow Rockfish Reallocation in the Individual Fishing Quota Fishery

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

Abstract: In January 2011, NMFS implemented the groundfish trawl rationalization program (a catch share program) for the Pacific coast groundfish limited entry trawl fishery. The program was implemented through Amendments 20 and 21 to the Pacific Coast Groundfish Fishery Management Plan and the corresponding implementing regulations. Amendment 20 established the trawl rationalization program, which includes an Individual Fishing Quota program for limited entry trawl participants, and Amendment 21 established fixed allocations for limited entry trawl participants. During implementation of the trawl individual fishing quota program, widow rockfish was overfished and the initial allocations were based on its overfished status and management as a non-target species. NMFS declared the widow rockfish rebuilt in 2011 and, accordingly, the Pacific Fishery Management Council has now recommended actions to manage the increased abundance of widow rockfish. The proposed action would reallocate individual fishing quota widow rockfish quota share to facilitate directed harvest and would lift the moratorium on widow rockfish quota share trading.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Building 1, Seattle, WA 98115, *Phone:* 206 526–6150, *Email: will.stelle@noaa.gov*.

RIN: 0648–BF12

188. • Framework Amendment 3 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region

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

Abstract: This rule would modify trip limits, accountability measures, electronic reporting requirements, and gillnet permit requirements for commercial king mackerel landed by gillnet in the Gulf of Mexico. The need for this proposed action is to increase efficiency, stability, and accountability, and reduce the potential for regulatory discards in the commercial king mackerel gillnet component of the fishery.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*

RIN: 0648–BF14

189. • Framework Amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico To Modify Greater Amberjack Allowable Harvest and Management Measures

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

Abstract: This action is intended to end overfishing and rebuild the Gulf of Mexico greater amberjack stock; a 2014 stock assessment indicated the Gulf of Mexico greater amberjack stock remains overfished and is undergoing overfishing. Allowable harvest will be reduced and will remain constant until changed based on new information. To better constrain catches to the allowable harvest levels, the recreational minimum size limit will be increased from 30 inches fork length to 34 inches fork length, and the commercial trip limit will be reduced from 1,923 pounds gutted weight to 1,500 pounds gutted weight.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	
Final Action	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BF21

190. • Implementation of Salmon Bycatch Management Measures for the Bering Sea Pollock Fishery

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

Abstract: Regulatory Amendment 110 would make substantive changes to the management of salmon bycatch in the Bering Sea pollock fishery to minimize salmon bycatch in the pollock fishery to the extent practicable. Currently, Chinook and chum salmon bycatch are managed under two different programs, which have led to inefficiencies and do not allow the pollock fishery the flexibility to modify their harvest patterns and practices to effectively minimize both Chinook and chum salmon bycatch. This regulation would make salmon bycatch management more effective, comprehensive, and efficient by increasing flexibility to respond to changing conditions and providing greater incentives to reduce bycatch of both salmon species. This regulation would provide the flexibility to harvest pollock in times and places that best achieve salmon avoidance and to adapt to changing conditions quickly.

Timetable:

Action	Date	FR Cite
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BF25

191. • Amendment 18 to the Northeast Multispecies Fishery Management Plan (Section 610 Review)

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

Abstract: Amendment 18 to the Northeast Multispecies Fishery Management Plan would make necessary minor administrative adjustments to several groundfish sectors, as well as minor adjustments to fishing activity designed to protect fishery resources while maximizing flexibility and efficiency. Specifically, it would include the following management measures: Creating an accumulation limit for either the holdings of Potential Sector Contribution or of Northeast multispecies permits; creating a sub-annual catch limit that Handgear A permits could enroll in and other measures pertaining to fishing with Handgear A permits; adjusting what fishery data are considered confidential, specifically the price of annual catch entitlement transferred within a sector or leased between sectors; establishing an inshore/offshore boundary within the Gulf of Maine with associated measures, including creation of a Gulf of Maine cod sub-annual catch limit, adjusting the Gulf of Maine Gear Restricted Area boundary to align with the inshore/offshore boundary, and creating

declaration time periods for fishing in the inshore or offshore areas; and establishing a Redfish Exemption Area, in which vessels could fish with a smaller mesh net than the standard mesh size, targeting redfish.

Timetable:

Action	Date	FR Cite
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BF26

192. • Framework Amendment to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico for Red Snapper Commercial Quota Retention for 2016

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

Abstract: This action would provide the authority to withhold 4.9 percent of the 2016 red snapper commercial quota prior to the annual distribution of allocation to the Individual Fishing Quota shareholders on January 1, 2016. This action is necessary to allow for the implementation of Reef Fish Amendment 28 in early 2016. Amendment 28 increases the recreational sectors allocation of the red snapper total allowable catch and was approved by the Council at the August 2015 meeting. However, it is unlikely that NMFS will be able to implement the reallocation until after the annual distribution on January 1. If Amendment 28 is approved by the Secretary of Commerce, the 4.9 percent of the commercial quota would be transferred to the recreational sector. If Amendment 28 is disapproved by the Secretary of Commerce, the 4.9 percent of the commercial quota would be distributed to the Individual Fishing Quota shareholders.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BF33

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

National Marine Fisheries Service

193. Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico

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

Abstract: The purpose of this fishery management plan is to develop a regional permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf of Mexico exclusive economic zone. This fishery management plan consists of ten actions, each with an associated range of management alternatives, which would facilitate the permitting of an estimated 5 to 20 offshore aquaculture operations in the Gulf of Mexico over the next 10 years, with an estimated annual production of up to 64 million pounds. By establishing a regional permitting process for aquaculture, the Gulf of Mexico Fishery Management Council will be positioned to achieve their primary goal of increasing maximum sustainable yield and optimum yield of federal fisheries in the Gulf of Mexico by supplementing harvest of wild caught species with cultured product. This rulemaking would outline a regulatory permitting process for aquaculture in the Gulf of Mexico, including: (1) Required permits; (2) duration of permits; (3) species allowed; (4) designation of sites for aquaculture; (5) reporting requirements; and (6) regulations to aid in enforcement.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/04/09	74 FR 26829
NPRM	08/28/14	79 FR 26829
NPRM Comment Period Reopened.	11/13/14	79 FR 67411
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–AS65

194. Atlantic Highly Migratory Species; Future of the Atlantic Shark Fishery

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

Abstract: The National Marine Fisheries Service is considering adjusting the regulations governing the U.S. Atlantic shark fishery to address current fishery issues and to identify specific shark fishery goals for the future. This action will consider potential changes to the quota and/or permit structure that are currently in place for the Atlantic shark fishery, and various catch share programs such as limited access privilege programs, individual fishing quotas, and sectors for the Atlantic shark fishery.

Timetable:

Action	Date	FR Cite
ANPRM	09/20/10	75 FR 57235
ANPRM Comment Period End.	01/14/11	
Notice	05/27/14	79 FR 30064
NPRM	01/20/15	80 FR 2648
Notice	03/09/15	80 FR 12394
Final Rule	08/18/15	80 FR 50073
Final Rule Effective.	08/18/15	
Final Action—Next Stage Undetermined.	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BA17

195. Implement the 2010 Shark Conservation Act Provisions and Other Regulations in the Atlantic Smoothhound Shark Fishery

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

Abstract: This rule considers implementing the provisions of the 2010 Shark Conservation Act and other regulations in the Atlantic Smoothhound Fishery (which includes smooth dogfish and the Florida smoothhound). Specifically, this action would: (1) Modify regulations for smooth dogfish as needed to be consistent with the Shark Conservation Act; (2) consider other management measures, as needed, including the Terms and Conditions of the

Endangered Species Act Smoothhound Biological Opinion; and, (3) consider revising the current smoothhound shark quota based on updated catch data.

Timetable:

Action	Date	FR Cite
NPRM	08/07/14	79 FR 46217
NPRM Comment Period End.	11/14/14	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BB02

196. Amendment 7 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: Amendment 7 focused on bluefin tuna fishery management issues consistent with the need to end overfishing and rebuild the stock. Measures in Amendment 7 addressed several of the longstanding challenges facing the fishery and analyzed, among other things, revisiting quota allocations; reducing and accounting for dead discards; adding or modifying time/area closures or gear-restricted areas; and improving the reporting and monitoring of dead discards and landings in all categories.

Timetable:

Action	Date	FR Cite
Notice	04/23/12	77 FR 24161
Notice	06/08/12	77 FR 34025
NPRM	08/21/13	78 FR 52032
NPRM Comment Period Extended.	09/18/13	78 FR 57340
Public Hearing	11/05/13	78 FR 66327
NPRM Comment Period Reopened.	12/11/13	78 FR 75327
Public Hearing	12/26/13	78 FR 78322
Final Rule	12/02/14	79 FR 71509
Notice of Public Webinars.	12/16/14	79 FR 74652
Final Rule	12/30/14	79 FR 78310
Final Rule	02/04/15	80 FR 5991
Final Rule Effective.	02/04/15	
Notice	05/07/15	80 FR 26196
Final Action-Next Stage Undetermined.	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BC09

197. Implementation of the Inter–American Tropical Tuna Commission Resolution to Establish a Vessel Monitoring System Program in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 951 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commissions Resolution intended to require owners and operators of tuna-fishing vessels to have installed, activate, carry and operate vessel monitoring system units (also known as mobile transmitting units). This regulation would apply to owners and operators of tuna-fishing vessels 24 meters or more in length operating in the eastern Pacific Ocean. The vessel monitoring system units would have to be type-approved and authorize the Inter-American Tropical Tuna Commission and National Marine Fisheries Service to receive and relay transmissions (also called position reports) from the vessel monitoring system unit. Vessel monitoring systems may enhance the safety of some vessels by allowing the vessels location to be tracked, which could assist in rescue efforts. This regulation would apply to commercial vessels and would not apply to recreational or charter vessels. This rule would apply to approximately seventy-four vessels; however, roughly thirty-eight of these vessels are already subject to vessel monitoring system requirements under the Western and Central Pacific Fisheries Commission. Due to the relatively small number of vessels affected, this rule is not expected to garner public opposition or congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	02/06/14	79 FR 7152
Correction	02/25/14	79 FR 10465
Proposed Rule	05/19/15	80 FR 28572
Comment Period End.	06/18/15	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Building 1, Seattle, WA 98115, *Phone:* 206 526–6150, *Email: will.stelle@noaa.gov*.

RIN: 0648–BD54

198. Amendment 8 to the Fishery Management Plan for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region

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

Abstract: Coral Amendment 8 modified the boundaries of the Oculina Bank Habitat Area of Particular Concern, the Stetson-Miami Terrace Coral Habitat Area of Particular Concern, and the Cape Lookout Coral Habitat Area of Particular Concern to protect deepwater coral ecosystems. The amendment also implemented a transit provision through the Oculina Bank Habitat Area of Particular Concern for fishing vessels with rock shrimp onboard.

Timetable:

Action	Date	FR Cite
Notice	05/20/14	79 FR 28880
NPRM	06/03/14	79 FR 31907
Correction	07/01/14	79 FR 37269
Final Rule	07/17/15	80 FR 42423
Final Rule Correction.	08/04/15	80 FR 46205
Final Rule Effective.	08/17/15	
Final Action—Next Stage Undetermined.	12/00/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD81

199. Cost Recovery From Amendment 80, Community Development Quota Groundfish and Halibut, American Fisheries Act and Aleutian Islands Pollock, and the Freezer Longline Coalition Pacific Cod Fisheries Man

Legal Authority: 16 U.S.C. 1862; Pub. L. 109–241; Pub. L. 109–479

Abstract: The National Marine Fisheries Service proposes regulations to implement a limited access permit program cost recovery fee for Amendment 80, Western Alaska Community Development Quota

groundfish and halibut, American Fisheries Act and Aleutian Islands Pollock, and the Pacific Cod Freezer Longline Coalition fisheries management programs in the Bering Sea and Aleutian Islands. The purpose of this action is to comply with section 304(d) of the Magnuson-Stevens Act, which authorizes and requires the National Oceanic and Atmospheric Administration (NOAA) fisheries to collect fees for limited access permit programs and the Western Alaska Community Development Quota program. The fees collected would be used to recover the actual costs directly related to the management, data collection, and enforcement of these programs that are incurred by the National Marine Fisheries Service.

Timetable:

Action	Date	FR Cite
NPRM	01/07/15	80 FR 935
NPRM Comment Period End.	02/06/15	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BE05

200. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Effort and Catch Limits and Other Restrictions and Requirements

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: This rule would establish a framework under which the National Marine Fisheries Service (NMFS) could specify limits on fishing effort and catches, as well as spatial and temporal restrictions on particular fishing activities, in U.S. fisheries for highly migratory fish species in the western and central Pacific Ocean. NMFS would issue the specifications as needed to implement conservation and management measures adopted by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The rule also would require that U.S. fishing vessels of a certain size obtain International Maritime Organizational numbers, and prohibit U.S. longline fishing vessels from using shark lines, which are used in some fisheries to target sharks. This action is necessary for the United States to satisfy its obligations under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	07/23/15	80 FR 43694
NPRM Comment Period End.	08/07/15	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818, *Phone:* 808 725–5000, *Email: michael.tosatto@noaa.gov*.

RIN: 0648–BE84

201. Revision of Skate Maximum Retainable Amounts in the Gulf of Alaska Groundfish Fishery

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

Abstract: This rule would reduce the maximum retainable amount of incidentally caught skates in directed fisheries for groundfish in the Gulf of Alaska to 5 percent, which would allow a vessel to retain skates in an amount up to 5 percent of the weight of the target groundfish species onboard the vessel. The skate maximum retainable amount is intended to limit harvest of skates to the intrinsic rate of incidental catch of skates in Gulf of Alaska groundfish fisheries and to provide a disincentive for vessels to target skates. Skate harvests have increased in recent years and have exceeded the acceptable biological catch in some areas. This action is necessary to enhance conservation and management of skates by decreasing the incentive for vessels to target skates and to slow the harvest rate of skates.

Timetable:

Action	Date	FR Cite
NPRM	07/10/15	80 FR 39734
NPRM Comment Period End.	08/10/15	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BE85

202. Pacific Coast Groundfish Fishing Capacity Reduction Loan Refinance (Section 610 Review)

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 1861 *et seq.;* 5 U.S.C. 561 *et seq.*

Abstract: The National Marine Fisheries Service (NMFS) issued proposed regulations to refinance the voluntary fishing capacity reduction loan program implemented in 2004 in the Pacific Coast groundfish Federal limited-entry trawl, Washington coastal Dungeness crab, and California pink shrimp fisheries (collectively known hereafter as the refinanced reduction fisheries). The refinance loan of up to $30 million will establish a new industry fee system for future landings of the refinanced reduction fisheries. Upon publishing a final rule and receipt of an appropriation, NMFS will conduct three referenda to refinance the existing debt obligation in each of the refinanced reduction fisheries. If a referendum in one, two, or all three of the fisheries is successful, that fishery's current loan will be repaid in full and a new loan in the amount of the principal and interest balance as of the date of funding will be issued. The terms were prescribed in the 2015 National Defense Authorization Act and include a 45-year term to maturity, interest charged at a current Treasury interest rate, and a maximum repayment fee of 3% of ex-vessel value.

Timetable:

Action	Date	FR Cite
NPRM	08/07/15	80 FR 46941
NPRM Comment Period End.	09/08/15	
Final Action	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Pawlak, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8621, *Email: brian.t.pawlak@noaa.gov.*

RIN: 0648–BE90

203. • Process for Divestiture of Excess Quota Shares (Section 610 Review)

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

Abstract: In January 2011, the National Marine Fisheries Service implemented the groundfish trawl rationalization program (a catch share program) for the Pacific coast groundfish limited entry trawl fishery.

The program was implemented through Amendments 20 and 21 to the Pacific Coast Groundfish Fishery Management Plan and the corresponding implementing regulations. Amendment 20 established the trawl rationalization program, which includes an Individual Fishing Quota program for limited entry trawl participants, and Amendment 21 established fixed allocations for limited entry trawl participants, with limits on how much quota each participant can accumulate. Under current regulations, quota share owners must divest quota shareholdings that exceed individual accumulation limits by November 30, 2015. This proposed action would make minor procedural modifications to the program regulations to clarify how divestiture of excess quota share could occur.

Timetable:

Action	Date	FR Cite
NPRM	09/02/15	80 FR 53088
NPRM Comment Period End.	10/02/15	
Final Action	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Building 1, Seattle, WA 98115, *Phone:* 206 526–6150, *Email: will.stelle@noaa.gov*.

RIN: 0648–BF11

204. Designation of Critical Habitat for the North Atlantic Right Whale

Legal Authority: 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service proposes to revise the critical habitat designation for the North Atlantic right whale. This proposal would result in an expansion of critical habitat in the northeast feeding area (Gulf of Maine-Georges Bank region) and the southeast calving area (Florida to North Carolina) compared to what was designated in 1994 for right whales.

Timetable:

Action	Date	FR Cite
NPRM	02/20/15	80 FR 9313
NPRM Comment Period End.	04/21/15	
Final Action	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–AY54

205. Endangered and Threatened Species: Designation of Critical Habitat for Threatened Lower Columbia River Coho Salmon and Puget Sound Steelhead

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: This action will designate critical habitat for lower Columbia River coho salmon and Puget Sound steelhead, currently listed as threatened species under the Endangered Species Act. The areas proposed for designation include freshwater and estuarine habitat in Oregon and Washington.

Timetable:

Action	Date	FR Cite
NPRM	01/14/13	78 FR 2725
NPRM Comment Period End.	04/15/13	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dwayne Meadows, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8467, *Email: dwayne.meadows@noaa.gov*.

RIN: 0648–BB30

206. Designation of Critical Habitat for the Arctic Ringed Seal

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service published a final rule to list the Arctic ringed seal as a threatened species under the Endangered Species Act (ESA) in December 2012. The ESA requires designation of critical habitat at the time a species is listed as threatened or endangered, or within one year of listing if critical habitat is not then determinable. This rulemaking would designate critical habitat for the Arctic ringed seal. The proposed critical habitat designation would be in the northern Bering, Chukchi, and Beaufort seas within the current range of the species.

Timetable:

Action	Date	FR Cite
NPRM	12/03/14	79 FR 71714
Proposed Rule	12/09/14	79 FR 73010
Notice of public hearings.	01/13/15	80 FR 1618
Comment Period Extended.	02/02/15	80 FR 5498
Final Action	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BC56

NOS/ONMS

207. Revisions to Hawaiian Islands Humpback Whale National Marine Sanctuary Regulations

Legal Authority: 16 U.S.C. 1431 *et seq.*; Pub. L. 102–587

Abstract: In 2010, the Office of National Marine Sanctuaries (ONMS) initiated a review of the Hawaiian Islands Humpback Whale National Marine Sanctuary management plan, to evaluate substantive progress toward implementing the goals for the sanctuary, and to make revisions to its management plan and regulations as necessary to fulfill the purposes and policies of the National Marine Sanctuaries Act (NMSA) and the Hawaiian Islands National Marine Sanctuary Act (HINMSA; Title II, Subtitle C, Pub. L. 102587). ONMS intends to publish a proposed rule and draft EIS that proposes to expand the scope of the sanctuary to ecosystem based management rather than concentrating on only humpback whales. In addition, possible boundary expansion will be discussed.

Timetable:

Action	Date	FR Cite
Notice	07/14/10	75 FR 40759
NPRM	03/26/15	80 FR 16223
Notice	04/29/15	80 FR 23742
NPRM Comment Period End.	06/19/15	
Final Action	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Lindelof, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–3137, *Email: edward.lindelof@noaa.gov*.

RIN: 0648–BD97

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Long-Term Actions

National Marine Fisheries Service

208. Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

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

Abstract: The purpose of this action is to facilitate management of the recreational red snapper component in the reef fish fishery by reorganizing the federal fishery management strategy to better account for biological, social, and economic differences among the regions of the Gulf of Mexico. Regional management would enable regions and their associated communities to specify the optimal management parameters that best meet the needs of their local constituents thereby addressing regional socio-economic concerns.

Timetable:

Action	Date	FR Cite
Notice	05/13/13	78 FR 27956
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD25

209. Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The proposed action, if approved, would designate critical habitat for the Hawaiian insular false killer whale distinct population segment, pursuant to section 4 of the Endangered Species Act. Proposed critical habitat would be designated in the main Hawaiian Islands as the Hawaiian insular false killer whales range is restricted from nearshore out to 140 km from the main Hawaiian Islands.

Timetable:

Action	Date	FR Cite
NPRM	04/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 427–8400.

RIN: 0648–BC45

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

210. Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

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

Abstract: The National Marine Fisheries Service in collaboration with the South Atlantic Fishery Management Council published this notice with the intention to prepare an Environmental Impact Statement to describe and analyze a range of alternatives for management actions to be included in Amendment 22 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region. These alternatives will consider measures to establish a long-term red snapper fishery management program in the South Atlantic to optimize yield and rebuild the stock, while minimizing socioeconomic impacts. More specifically, these alternatives will consider the elimination of harvest restrictions on red snapper as the stock increases in biomass. The purpose of this Notice of Intent is to solicit public comments on the scope of issues to be addressed in the Environmental Impact Statement.

Timetable:

Action	Date	FR Cite
Notice	01/03/11	76 FR 101
Notice	08/02/13	78 FR 46923
Final Action	08/19/13	78 FR 50394

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BA53

211. Amendment 31 to the Fishery Management Plan for the Bering Sea and Aleutian Islands King and Tanner Crabs

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

Abstract: The intent of Amendment 31 was to relax participation requirements for captains and crew in the Bering Sea/Aleutian Islands Crab Rationalization Program, and to modify the timing and preparation of specific documents that are currently required under the program. This action was necessary to fulfill the North Pacific Fishery Management Council's intent that captain and crew quota shares are held by individuals who are actively participating in the Crab Rationalization Program fisheries, to provide quota share acquisition opportunity to captains and crew who may have been displaced from employment in the Crab Rationalization Program fisheries and were not initial recipients of quota shares, and to make the quota shares available to captains and crew who are new entrants into the Crab Rationalization Program fisheries.

Timetable:

Action	Date	FR Cite
Notice of Availability.	12/15/14	79 FR 74058
NPRM	12/24/14	79 FR 77427
NPRM Comment Period End.	01/23/15	
Final Action	03/26/15	80 FR 15891
Final Action Effective.	05/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BA61

212. Amendment 43 to the FMP for BSAI King and Tanner Crabs and Amendment 103 to the FMP for Groundfish of the BSAI

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

Abstract: This rule implements both Amendment 43 to the Fishery Management Plan for the Bering Sea/Aleutian Islands King and Tanner Crabs and Amendment 103 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. Amendment 43 revised the current rebuilding plan for Pribilof Islands blue king crab (blue king crab) and Amendment 103 implemented groundfish fishing restrictions. A no-trawl Pribilof Islands Habitat Conservation Zone (Zone) was established in 1995 and the directed fishery for blue king crab has been closed since 1999. A rebuilding plan was implemented in 2003; however, blue king crab remains overfished and the current rebuilding plan has not achieved adequate progress towards rebuilding the stock by 2014. The rule closed the Zone to all Pacific cod pot fishing in addition to the current trawl prohibition. This measure will help

support blue king crab rebuilding and prevent exceeding the overfishing limit of blue king crab by minimizing to the extent practical blue king crab bycatch in the groundfish fisheries.

Timetable:

Action	Date	FR Cite
Notice	08/21/14	79 FR 49463
NPRM	08/29/14	79 FR 51520
Final Action	12/02/14	79 FR 71344
Final Action Effective.	01/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BC34

213. Pacific Coast Groundfish Trawl Rationalization Program Trailing Action: Rule To Modify Chafing Gear Regulations for Midwater Trawl Gear Used in the Pacific Coast Groundfish Fishery

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

Abstract: This action modified the existing chafing gear regulations for midwater trawl gear, and includes housekeeping measures to clarify which vessels can use midwater trawl gear and where midwater trawl gear can be used. This action includes regulations that affect all trawl sectors (Shorebased Individual Fishing Quota Program, Mothership Cooperative Program, Catcher/Processor Cooperative Program, and tribal fishery) managed under the Pacific Coast Groundfish Fishery Management Plan.

Timetable:

Action	Date	FR Cite
NPRM	03/19/14	79 FR 15296
NPRM Correction Notice.	04/04/14	79 FR 18876
Final Action	12/02/14	79 FR 71340
Final Action Effective.	01/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Building 1, Seattle, WA 98115, *Phone:* 206 526–6150, *Email: will.stelle@noaa.gov*.

RIN: 0648–BC84

214. Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18; Essential Fish Habitat Descriptions for Pacific Salmon

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

Abstract: The action implements Amendment 18 to the Pacific Coast Salmon Fishery Management Plan. This amendment addressed revisions to the Pacific coast salmon essential fish habitat provisions under the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
Notice	06/16/14	79 FR 34272
NPRM	09/22/14	79 FR 56547
NPRM Comment Period End.	10/22/14	
Final Action	12/18/14	79 FR 75449
Final Action Effective.	01/20/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: William Stelle Jr., Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Building 1, Seattle, WA 98115, *Phone:* 206 526–6150, *Email: will.stelle@noaa.gov*.

RIN: 0648–BC95

215. Codifying the Initial Vessel Monitoring System Type-Approval Process and Requirements, and the Recertification and Revocation Processes

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

Abstract: All vessels participating in the National Oceanic and Atmospheric Administration's Vessel Monitoring System program are required to use a National Marine Fisheries Service-approved transmitting unit. This rule codified into regulations the unit type-approval standards, requirements, and procedures for vendors to maintain approval for their products and services. The rule also codified requirements for agency approval, subsequent assessments, a renewal process, and procedures for revoking a unit's approval if the vendor fails to comply with the performance requirements. The previous national process regarding unit type-approval requirements for evaluating performance and improving or revoking unit type approvals was not codified. Therefore, the purpose of this rule was to codify the approval process, improve the enforceability of the approval requirements, and better ensure all unit type approvals remain in compliance and are consistent with the requirements. To eliminate the possibility of duplicating, overlapping, or conflicting Federal regulations, this rule also revised the Greater Atlantic Region's regulations to match those in this rule.

Timetable:

Action	Date	FR Cite
NPRM	09/09/14	79 FR 53386
NPRM Comment Period End.	10/24/14	
Final Action	12/24/14	79 FR 77399
Final Action Effective.	01/23/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BD02

216. Pacific Coast Groundfish Trawl Rationalization Program Trailing Actions: Permitting Requirements for Observer and Catch Monitor Providers (Section 610 Review)

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

Abstract: This action modified regulations pertaining to certified catch monitors and observers required under the Pacific Coast Groundfish Fishery Management Plan. The action specified permitting requirements for business entities interested in providing certified observers and catch monitor services, as well as addressed numerous housekeeping measures and updated observer provider and vessel responsibilities relative to observer safety such that the regulations are consistent with the Coast Guard and Maritime Transportation Act of 2012.

Timetable:

Action	Date	FR Cite
NPRM	02/19/14	79 FR 9591
NPRM Comment Period End.	03/21/14	
Final Action	04/21/15	80 FR 22269
Final Action Effective.	05/21/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Building 1, Seattle, WA

98115, *Phone:* 206 526–6150, *Email: will.stelle@noaa.gov*.

RIN: 0648–BD30

217. Establishment of Special Management Zones for Delaware Artificial Reefs

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

Abstract: This action established special management zones around five State of Delaware-permitted artificial reefs in Federal waters. This action restricted the use of all fishing gear in these zones except hook and line and spear fishing, including taking by hand. Eliminating the other fishing gears prevented gear conflicts between hook and line, spear and hand fishing and other fishing gear. The proliferation of commercial gear on the reefs, especially fish traps, had been reported by the recreational fishing community as inhibiting their ability to fish the reefs. The artificial reefs were established with funds through U.S. Fish and Wildlife Service Sportfish Restoration Program to enhance sport fishing opportunities. Implementing the Council's recommendation restricted the use of fishing gears that are incompatible with the intended use of the artificial reefs. Commercial fishermen may continue to fish on the reefs and catch commercial quantities of fish with hook and line gear. It is expected this action will have little overall effect on the commercial sector.

Timetable:

Action	Date	FR Cite
NPRM	06/19/14	79 FR 35141
Comment Period Extended.	07/16/14	79 FR 41530
Final Action	06/09/15	80 FR 32480
Final Action Effective.	07/09/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BD42

218. Amendment 97 to the Fishery Management Plan for Groundfish of the Gulf Of Alaska To Establish Chinook Salmon Prohibited Species Catch Limits for the Non-Pollock Trawl Fisheries

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 773 *et seq.*

Abstract: This rule limits Chinook salmon prohibited species catch in the Western and Central Gulf of Alaska non-pollock trawl fisheries. Chinook salmon is a fully utilized species in Alaska coastal subsistence, recreational, and commercial fisheries. In recent years the returns of Chinook salmon to some Alaska river systems have been below the biological escapement goals established by the State of Alaska. This action is necessary to minimize the catch of Chinook salmon to the extent practicable in the Gulf of Alaska non-pollock trawl fisheries. This action limited the annual Chinook salmon prohibited species catch in the non-pollock trawl fisheries to 7,500 salmon each year. If a sector reached its Chinook salmon prohibited species limit, further directed fishing for groundfish by vessels in that sector and season would be prohibited. Vessel operators would be required to retain salmon until the number of salmon has been determined by the vessel or plant observer and the observers data collection has been completed. About 70 vessels could be affected by this action. This action could reduce revenues from the fisheries, if the Chinook salmon prohibited species limit is reached before the groundfish quota is harvested. The action also may increase costs if vessel operators move fishing operations or take other actions to lower their catch of Chinook salmon.

Timetable:

Action	Date	FR Cite
Notice	06/05/14	79 FR 32525
NPRM	06/25/14	79 FR 35971
NPRM Comment Period End.	07/25/14	
Final Action	12/02/14	79 FR 71350
Final Action Effective.	01/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BD48

219. Amendment 45 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crab Freezer Longline Catcher/Processor Pacific Cod Sideboard Removal (Section 610 Review)

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

Abstract: This rule established conditions for the removal of Gulf of Alaska Pacific cod catch limits, known as sideboards, which apply to some catcher/processor vessels using hook-and-line gear, also known as freezer longliners. The newly reorganized sideboard limits have effectively eliminated the ability of these stakeholders to participant in these Gulf of Alaska fisheries. The rule will remove the Gulf of Alaska Pacific cod sideboards from 6 freezer longline vessels if owners of vessels endorsed to catch and process Pacific cod in the Western Gulf of Alaska, Central Gulf of Alaska, or both (a total of 9 vessels) agree to removal of the sideboards, within one year from the effective date of the final rule. If an agreement is not reached by the deadline, the sideboarded vessels would not be able to participate in the Gulf of Alaska fisheries. The requirement for an agreement is intended to promote cooperation among all affected parties prior to the removal of sideboards.

Timetable:

Action	Date	FR Cite
Notice of Availability.	02/02/15	80 FR 5499
NPRM	02/12/15	80 FR 7817
NPRM Comment Period End.	03/16/15	
Final Action	05/19/15	80 FR 28539
Final Action Effective.	06/18/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BD61

220. Information Collection Program for Atlantic Surfclam and Ocean Quahog Fisheries

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

Abstract: The National Marine Fisheries Service implemented this information collection program at the request of the Mid-Atlantic Fishery Management Council (Council). This program will collect additional information about the individuals who hold and/or control Individual Transferable Quota in the Atlantic surfclam and ocean quahog fisheries. This information will be used by the Council in the consideration and development of excessive shares cap(s) in these Individual Transferable Quota fisheries.

Timetable:

Action	Date	FR Cite
NPRM	08/07/14	79 FR 46233
NPRM Comment Period Re-opened.	10/02/14	79 FR 59472
Final Action	07/20/15	80 FR 42747
Final Action Effective.	01/01/16	

Regulatory Flexibility Analysis Required: No.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BD64

221. Amendment 100 to the FMP for Groundfish of the BSAI Management Area and Amendment 91 to the FMP for Groundfish of the Gulf of Alaska To Add Grenadiers to the Ecosystem Component Category

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

Abstract: Amendments 100 and 91 amended the Groundfish Fishery Management Plans to add grenadiers to the ecosystem component category. Grenadiers are caught incidentally in the groundfish fisheries and adding them to the Fishery Management Plans recognizes their role in the ecosystem. The National Marine Fisheries Service also implemented regulations for federally-permitted groundfish fishermen to improve reporting of grenadiers, limit retention, and prevent directed fishing for grenadiers. This action was necessary to limit the groundfish fisheries impact on grenadiers.

Timetable:

Action	Date	FR Cite
Notice of Availability.	05/05/14	79 FR 25558
NPRM	05/14/14	79 FR 27557
NPRM Comment Period End.	06/13/14	
Final Action	03/05/15	80 FR 11897
Final Action Effective.	04/06/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BD98

222. Implementation of a Gulf of Alaska Trawl Fishery Economic Data Collection Program

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; 16 U.S.C. 773 *et seq.*; Pub. L. 108199

Abstract: The National Marine Fisheries Service implemented the Trawl Economic Data Report Program to evaluate the economic effects of current and future groundfish and prohibited species catch management measures for the Gulf of Alaska trawl fisheries under the Fishery Management Plan for Groundfish of the Gulf of Alaska. This data collection program was necessary to provide the North Pacific Fishery Management Council and other analysts with baseline information on affected harvesters, crew, processors, and communities in the Gulf of Alaska that could be used to assess the impacts of major changes in the groundfish management regime; including catch share programs for prohibited species catch species and target species. The data collected, which may include labor information, revenues received, capital and operational expenses, and other operational or financial data for this program will be submitted by vessel owners and leaseholders of Gulf of Alaska trawl vessels, processors receiving deliveries from those trawl vessels, and Amendment 80 catcher/processors.

Timetable:

Action	Date	FR Cite
NPRM	08/11/14	79 FR 46758
NPRM Comment Period End.	09/10/14	
Final Action	12/02/14	79 FR 71313
Final Action Effective.	01/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BE09

223. 2015–2016 Pacific Coast Groundfish Harvest Specifications and Management Measures and Amendment 24 to the Pacific Coast Groundfish FMP

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

Abstract: The action set biennial allowable harvest levels for Pacific Coast groundfish, as well as management measures for commercial and recreational fisheries that are designed to achieve those harvest levels. For the 2015–2016 biennium, the Council recommended changes in rebuilding parameters for one overfished species, cowcod. As such, the rebuilding plan was revised and affected the Annual Catch Limit value for this species for the 2-year period and beyond. The rule adjusts the harvest specifications including Overfishing Limits, the Acceptable Biological Catches, and Annual Catch Limits, as well as the management measures to achieve those specifications. Finally, the rule implements Amendment 24, which modifies the procedures in the Fishery Management Plan so that in the absence of explicit Council action, harvest specification values, based on default harvest control rules, for one or more stocks may be implemented by the National Marine Fisheries Service.

Timetable:

Action	Date	FR Cite
Notice of Availability.	11/26/14	79 FR 70497
NPRM	01/06/15	80 FR 678
NPRM Comment Period End.	01/26/15	
Final Action	03/10/15	80 FR 12567
Final Action Effective.	03/10/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Building 1, Seattle, WA 98115, *Phone:* 206 526–6150, *Email: will.stelle@noaa.gov*.

RIN: 0648–BE27

224. Regulatory Amendment To Change the Definition of Sport Fishing Guide Services for Pacific Halibut in International Pacific Halibut Commission Area 2C and Area 3A

Legal Authority: 16 U.S.C. 773 *et seq.*

Abstract: The National Marine Fisheries Service finalized regulations that revised Federal regulatory text regarding sport fishing guide services for Pacific halibut in International Pacific Halibut Commission Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska) to remove the requirement that a charter vessel guide be on board the same vessel as a charter vessel angler to provide sport fishing guide services. The action clarified that all sport fishing in which anglers receive assistance from a compensated guide will be managed under charter fishery regulations, and all harvest will

accrue toward charter allocations. This action aligned Federal regulations with State of Alaska regulations. The definition of sport fishing guide services was revised and a definition for compensation was added to Federal regulations. Additional minor changes to the regulatory text pertaining to the charter halibut fishery were required to maintain consistency in the regulations with these new definitions. This action was necessary to achieve the halibut fishery management goals of the North Pacific Fishery Management Council.

Timetable:

Action	Date	FR Cite
NPRM	12/03/14	79 FR 71729
NPRM Comment Period End.	01/02/15	
Final Action	06/19/15	80 FR 35195
Final Action Effective.	07/20/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BE41

225. Framework Action To Revise Recreational Accountability Measures for Red Snapper

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

Abstract: To address the court ruling in *Guindon* v. *Pritzker,* the Gulf of Mexico Fishery Management Council developed this framework action that established two accountability measures for the recreational red snapper sector. The first recreational accountability measure action established an annual catch target that is lower than the quota/annual catch limit and set the recreational season length based on the annual catch target. Previously, the season length was set based on the quota/annual catch limit. The second recreational accountability measure action established an overage adjustment to mitigate the effects of any overage by reducing the quota/annual catch limit in the following year.

Timetable:

Action	Date	FR Cite
NPRM	11/21/14	79 FR 69418
NPRM Comment Period End.	12/22/14	
Final Action	03/19/15	80 FR 14328
Final Action Effective.	04/20/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BE44

226. Amendment 16 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters

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

Abstract: This rule changed the annual catch limit and selected an accountability measure for royal red shrimp. On January 30, 2012, the National Marine Fisheries Service implemented regulations developed through a generic annual catch limit and accountability measure amendment to multiple fishery management plans, including the Shrimp Fishery Management Plan. The rule removed the quota and in-season closure, and increased the annual catch limit. The current accountability measure, which requires in-season monitoring and closure the year following an annual catch limit overage, remained in effect.

Timetable:

Action	Date	FR Cite
Notice of Availability.	12/24/14	79 FR 77425
NPRM	01/26/15	80 FR 3937
NPRM Comment Period End.	02/25/15	
Final Action	03/25/15	80 FR 15691
Final Action Effective.	04/24/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BE46

227. 2015–2017 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries

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

Abstract: This rule established catch levels and associated management measures for the 2015–2017 fishing years for species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. More specifically, this action: Renewed status quo quotas on longfin and Illex squids for an additional 3 years; lowered the cap on river herring and shad catch in the mackerel fishery; increased the cap on river herring and shad catch in the mackerel fishery once the mackerel fishery catches more than 10,000 mt tons; lowered the Atlantic mackerel quota; substantially increased the butterfish quota; and simplified the controls on butterfish daily trip limits.

Timetable:

Action	Date	FR Cite
NPRM	11/14/14	79 FR 68202
NPRM Comment Period End.	12/15/14	
Final Action	03/20/15	80 FR 14870
Final Action Effective.	04/20/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BE49

228. Framework Adjustment 26 to the Atlantic Sea Scallop Fishery Management Plan (Section 610 Review)

Legal Authority: 16 U.S.C. 1531 *et seq.*; 16 U.S.C. 1801 *et seq.*

Abstract: This rule set scallop fishery management measures for the 2015 fishing year, including the annual catch limits and annual catch targets for the limited access and limited access general category fleets. In addition, it adjusted the State Waters Exemption Program, allowed for vessel monitoring system declaration changes for when vessels return home with product on board; implemented a proactive accountability measure to protect flatfish; aligned two gear measures designed to protect sea turtles; and implemented other measures to improve the management of the scallop fishery. Furthermore, aligning the gear designed to protect sea turtles involved modifying regulations to threatened marine species at 50 CFR part 223, so this action was a joint action with the Endangered Species Act.

Timetable:

Action	Date	FR Cite
NPRM	03/17/15	80 FR 13806
NPRM Comment Period End.	04/01/15	
Final Action	04/21/15	80 FR 22119

Action	Date	FR Cite
Final Action Effective.	05/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BE68

229. Pacific Coast Groundfish Trawl Rationalization Program—Midwater Trawl Fishery Season Date Change (Section 610 Review)

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

Abstract: This action implemented revisions to the Pacific Coast Groundfish Trawl Rationalization Program affecting the limited entry midwater trawl fisheries managed under the Pacific Coast Groundfish Fishery Management Plan. This action included a regulatory amendment to change the primary season opening date for the shorebased whiting fishery and the shorebased non-whiting midwater trawl fishery to May 15 north of 40°30′ N. lat. to the U.S./Canada border. This moved the season a month earlier off Washington and Oregon and a month and half later off northern California (north of 40°30′ N. lat.), increasing consistency in the season start date along the coast and between the shorebased and at-sea midwater trawl fleets.

Timetable:

Action	Date	FR Cite
NPRM	02/17/15	80 FR 8280
NPRM Comment Period End.	03/19/15	
Final Action	04/09/15	80 FR 19034
Final Action Effective.	05/15/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Building 1, Seattle, WA 98115, *Phone:* 206 526–6150, *Email: will.stelle@noaa.gov*.

RIN: 0648–BE72

230. Framework Adjustment 53 to the Northeast Multispecies Fishery Management Plan (Section 610 Review)

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

Abstract: This action implemented management for the Northeast Multispecies Fishery that opened on May 1, 2015. The changes were developed in response to new scientific information and to meet the goals and objectives of the Fishery Management Plan. Framework 53 set 2015–2017 specifications for: Gulf of Maine cod, haddock, and winter flounder; Georges Bank winter flounder, and pollock; as well as 2015 shared U.S./Canada quotas for Georges Bank yellowtail flounder and Eastern Georges Bank cod and haddock. These new specifications were based on stock assessments completed in 2014. This action also modified the seasonal area closures designed to protect Gulf of Maine cod spawning; prohibited the possession of Gulf of Maine cod for all recreational groundfish vessels; introduced a mechanism to set default specifications in the event a management action is delayed; and modified the sector carryover provision in response to a recent Court ruling.

Timetable:

Action	Date	FR Cite
NPRM	03/09/15	80 FR 12394
NPRM Comment Period End.	03/24/15	
Final Action	05/01/15	80 FR 25109
Final Action Effective.	05/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BE75

231. 2015–2016 Atlantic Bluefin Tuna Quotas

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

Abstract: This rule would increase the Atlantic bluefin tuna base quotas and subquotas, implementing the U.S. annual Atlantic Bluefin Tuna quota recommended for 2015 and 2016 by the International Commission for the Conservation of Atlantic Tunas and allocating that quota among the domestic fishing categories.

Timetable:

Action	Date	FR Cite
NPRM	06/12/15	80 FR 33467
NPRM Comment Period End.	07/13/15	
Final Action	08/28/15	80 FR 52198
Final Action Effective.	08/28/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BE81

232. Revision of Hawaiian Monk Seal Critical Habitat

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service (NMFS) is developing a rule to designate critical habitat for the Hawaiian monk seal in the main and Northwestern Hawaiian Islands. In response to a 2008 petition from the Center for Biological Diversity, Kahea, and the Ocean Conservancy to revise Hawaiian monk seal critical habitat, NMFS published a proposed rule in June 2011 to revise Hawaiian monk seal critical habitat by adding critical habitat in the main Hawaiian Islands and extending critical habitat in the Northwestern Hawaiian Islands. Proposed critical habitat includes both marine and terrestrial habitats (*e.g.*, foraging areas to 500 meter depth, pupping beaches, etc.). To address public comments on the proposed rule, NMFS is augmenting its prior economic analysis to better describe the anticipated costs of the designation. NMFS is analyzing new tracking data to assess monk seal habitat use in the main Hawaiian Islands. That may lead to some reduction in foraging area critical habitat for the main Hawaiian Islands to better reflect where preferred foraging features may be found.

Timetable:

Action	Date	FR Cite
NPRM	06/02/11	76 FR 32026
Notice of Public Meetings.	07/14/11	76 FR 41446
Other	06/25/12	77 FR 37867
Final Action	08/21/15	80 FR 50925
Final Action Effective.	09/21/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric

Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BA81

233. 2015 Annual Determination To Implement the Sea Turtle Observer Requirement

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: Through the Annual Determination, the National Marine Fisheries Service (NMFS) identifies U.S. fisheries operating in the Atlantic Ocean, Gulf of Mexico, and Pacific Ocean that will be required to take observers upon NMFS request, pursuant to its authority under the Endangered Species Act. The purpose of observing identified fisheries is to learn more about sea turtle interactions in a given fishery, evaluate existing measures to prevent or reduce prohibited sea turtle takes, and to determine whether additional measures to implement the prohibition against sea turtle takes may be necessary. Fisheries that were identified in the 2015 Annual Determination will remain on the Annual Determination for a 5-year period and are required to carry observers upon NMFS request until December 31, 2019.

Timetable:

Action	Date	FR Cite
NPRM	10/22/14	79 FR 63066
NPRM Comment Period End.	11/21/14	
Final Action	03/19/15	80 FR 14319
Final Action Effective.	04/18/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BE35

234. Amendment to the Atlantic Large Whale Take Reduction Plan

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: This final action amended the Atlantic Large Whale Take Reduction Plan (Plan). The Plan was previously amended on June 27, 2014, previously. This action changed the minimum number of traps per trawl requirements in state waters for safety reasons, as requested by the Massachusetts Division of Marine Fisheries. The National Marine Fisheries Service (NMFS) also received proposals from other state partners requesting the same change. During their January 2015 meeting, the proposals were discussed with the Atlantic Right Whale Take Reduction Team, which agreed that NMFS should move forward with the rulemaking process to adopt the proposals to amend the June 2014 final rule as suggested by the states. The Team also requested that NMFS develop unique gear marking for certain areas.

Timetable:

Action	Date	FR Cite
NPRM	03/19/15	80 FR 14345
Proposed Rule Correction.	04/07/15	80 FR 18584
NPRM Comment Period End.	04/20/15	
Final Action	05/28/15	80 FR 30367
Final Action Effective.	05/28/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400.

RIN: 0648–BE83

[FR Doc. 2015–30613 Filed 12–14–15; 8:45 am]

BILLING CODE 3510–12–P

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Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

48 CFR Ch. II

Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Defense (DoD).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 ''Regulatory Planning and Review.'' This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive Order and other regulatory guidance. It contains DoD regulations initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD regulations listed in the agenda are of limited public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process. Members of the public may submit comments on individual proposed and interim final rulemakings at *www.regulations.gov* during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on June 18, 2015, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in the spring of 2016. In addition to this agenda, DoD components also publish rulemakings pertaining to their specific statutory administration requirements as required.

The complete Unified Agenda will be available online at *www.reginfo.gov*.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Defense's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is in the Unified Agenda available online.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Patricia Toppings, telephone 571–372–0485, or write to Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Audit Matters Office, 4800 Mark Center Drive, Suite 08F25, Alexandria, VA 22350, or email: *patricia.l.toppings.civ@mail.mil*.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301–1600, or call 703–697–2714.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Morgan Park, telephone 571–372–0489, or write to Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 4800 Mark Center Drive, Suite 08F25, Alexandria, VA 22350, or email: *morgan.e.park.civ@mail.mil*.

For general information on Office of the Secretary regulations which are procurement-related, contact Ms. Jennifer Hawes, telephone 571–372–6115, or write to Defense Acquisition Regulations Directorate, 4800 Mark Center Drive, Suite 15D07–2, Alexandria, VA 22350, or email: *jennifer.l.hawes2.civ@mail.mil*.

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 703–428–6173, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS–RDR–C, Casey Building, Room 102, 7701 Telegraph Road, Alexandria, VA 22315–3860, or email: *brenda.s.bowen.civ@mail.mil*.

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Chip Smith, telephone 703–693–3644, or write to Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Room 2E569, Washington, DC 20310–0108, or email: *charles.r.smith567.civ@mail.mil*.

For general information on Department of the Navy regulations, contact CDR Noreen Hagerty-Ford, telephone 703–614–7408, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066, or email: *noreen.hagerty-ford@navy.mil*.

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703–614–8500, or write to Office of the Secretary of the Air Force, Chief, Information Dominance/Chief Information Officer (SAF CIO/A6), 1800 Air Force Pentagon, Washington, DC 20330–1800, or email: *usaf.pentagon.saf-cio-a6.mbx.af-foia@mail.mil*.

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions is composed of the regulatory status reports, including procurement-related regulatory status reports, from the Office of the Secretary of Defense (OSD) and the Departments of the Army and Navy. Included also is the regulatory status report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of Executive Order 12866 and involve water resource projects and regulation of activities in waters of the United States.

In addition, this agenda, although published under the reporting requirements of Executive Order 12866, continues to be the DoD single-source reporting vehicle, which identifies regulations that are currently applicable under the various regulatory reform programs in progress. Therefore, DoD components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act of 1995;

c. Unfunded Mandates Reform Act of 1995.

Those DoD regulations, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these

entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Although not a regulatory agency, DoD will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866. Executive Order 13563 recognizes the importance of maintaining a consistent culture of retrospective review and analysis throughout the executive branch. DoD's retrospective review plan is intended to identify certain significant rules that are obsolete, unnecessary, unjustified, excessively burdensome, or counterproductive and can be accessed at: *http://www.regulations.gov/#!docketDetail;D=DOD-2011-OS-0036*.

Dated: September 17, 2015.

David Tillotson III,

Assistant Deputy Chief Management Officer.

OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
235	TRICARE; Reimbursement of Long Term Care Hospitals	0720–AB47

DEPARTMENT OF DEFENSE (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Final Rule Stage

235. Tricare; Reimbursement of Long Term Care Hospitals

Legal Authority: 5 U.S.C. 301; 10 U.S.C. ch 55

Abstract: The rule implements the statutory provision in 10 United States Code 1079(j)(2) that TRICARE payment methods for institutional care shall be determined to the extent practicable in accordance with the same reimbursement rules as those that apply to payments to providers of services of the same type under Medicare. This rule implements a reimbursement methodology similar to that furnished to Medicare beneficiaries for services provided by long-term care hospitals. The revisions to this rule will be reported in future status updates as part of DoD's retrospective plan under Executive Order 13563, completed in August 2011. DoD's full plan can be accessed at: *http://www.regulations.gov/#!docketDetail;D=DOD-2011-OS-0036*.

Timetable:

Action	Date	FR Cite
NPRM	01/26/15	80 FR 3926
NPRM Comment Period End.	03/27/15	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ann N. Fazzini, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301, *Phone:* 303 676–3803.

RIN: 0720–AB47

[FR Doc. 2015–30615 Filed 12–14–15; 8:45 am]

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Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, Department of Education.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Secretary of Education publishes a semiannual agenda of Federal regulatory and deregulatory actions. The agenda is issued under the authority of section 4(b) of Executive Order 12866, ''Regulatory Planning and Review.'' The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about regulatory actions we plan to take.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the agency contact listed for the regulations. Other questions or comments on this agenda should be directed to LaTanya Cannady, Program Specialist, or Hilary Malawer, Acting Assistant General Counsel, Division of Regulatory Services, Office of the General Counsel, Department of Education, Room 6C128, 400 Maryland Avenue SW., Washington, DC 20202–2241; telephone: (202) 401–9676 (LaTanya Cannady) or (202) 401–6148 (Hilary Malawer). Individuals who use a telecommunications device for the deaf (TDD) or a text telephone (TTY) may call the Federal Relay Service (FRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 4(b) of Executive Order 12866, dated September 30, 1993, requires the Department of Education (ED) to publish, at a time and in a manner specified by the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, an agenda of all regulations under development or review. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires ED to publish, in October and April of each year, a regulatory flexibility agenda.

The regulatory flexibility agenda may be combined with any other agenda that satisfies the statutory requirements (5 U.S.C. 605(a)). In compliance with the Executive order and the Regulatory Flexibility Act, the Secretary publishes this agenda.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation to any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract that includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at ED from whom a reader can obtain additional information regarding the planned action.

In accordance with ED's Principles for Regulating listed in its regulatory plan (78 FR 1361, published January 8, 2013), ED is committed to regulations that improve the quality and equality of services to its customers. ED will regulate only if absolutely necessary and then in the most flexible, most equitable, least burdensome way possible.

Interested members of the public are invited to comment on any of the items listed in this agenda that they believe are not consistent with the Principles for Regulating. Members of the public are also invited to comment on any uncompleted actions in this agenda that ED plans to review under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine their economic impact on small entities.

This publication does not impose any binding obligation on ED with regard to any specific item in the agenda. ED may elect not to pursue any of the regulatory actions listed here, and regulatory action in addition to the items listed is not precluded. Dates of future regulatory actions are subject to revision in subsequent agendas.

Electronic Access to This Document

The entire Unified Agenda is published electronically and is available online at *www.reginfo.gov*.

Philip Rosenfelt,

Acting General Counsel.

OFFICE OF POSTSECONDARY EDUCATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
236	Borrower Defense	1840–AD19

OFFICE OF POSTSECONDARY EDUCATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
237	Title IV of the HEA—Program Integrity and Improvement	1840–AD14

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Proposed Rule Stage

236. • Borrower Defense

Legal Authority: Not Yet Determined

Abstract: The Department will begin negotiated rulemaking to develop proposed regulations for determining which acts or omissions of an institution of higher education a borrower may assert as a defense to repayment of a loan made under the William D. Ford Federal Direct Loan (Federal Direct Loan) Program and identify the consequences of such borrower defenses for borrowers, institutions, and the Secretary.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Negotiated Rulemaking Committee.	08/20/15	80 FR 50588
NPRM	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Annmarie Weisman, Department of Education, Office of Postsecondary Education, Room 8029, 1990 K Street NW., Washington, DC 20006, *Phone:* 202 502–7784, *Email: annmarie.weisman@ed.gov*.

RIN: 1840–AD19

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Final Rule Stage

237. Title IV of the HEA—Program Integrity and Improvement

Legal Authority: 20 U.S.C. 1001; 20 U.S.C. 1002; 20 U.S.C. 1091; 20 U.S.C. 1094; 20 U.S.C. 1099c; 20 U.S.C. 1070a; 20 U.S.C. 1087b; 20 U.S.C. 1087d; 20 U.S.C. 1087e; 20 U.S.C. 1088

Abstract: The Department is issuing regulations for the Federal Student Aid programs, authorized under title IV of the Higher Education Act of 1965, as amended (HEA). We are regulating in the following areas: Cash management of funds provided under the title IV Federal Student Aid programs, clock-to-credit hour conversion, and repeat coursework.

Timetable:

Action	Date	FR Cite
NPRM	05/18/15	80 FR 28483
NPRM Comment Period End.	07/02/15	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Nathan Arnold, Department of Education, Office of Postsecondary Education, Room 8081, 1990 K Street NW., Washington, DC 20006, *Phone:* 202 219–7134, *Email: nathan.arnold@ed.gov*.

RIN: 1840–AD14

[FR Doc. 2015–30618 Filed 12–14–15; 8:45 am]

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Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Semiannual Regulatory Agenda

AGENCY: Department of Energy.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda), including its Regulatory Plan (Plan), pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act.

SUPPLEMENTARY INFORMATION: The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by statute, including amendments contained in the Energy Independence and Security Act of 2007 and the American Energy Manufacturing Technical Corrections Act, and programmatic needs of DOE offices.

The Internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's entire Fall 2015 Agenda can be accessed online by going to: *www.reginfo.gov*. Agenda entries reflect the status of activities as of approximately November 30, 2015.

Publication in the **Federal Register** is mandated by the Regulatory Flexibility Act (5 U.S.C. 602) only for Agenda entries that require either a regulatory flexibility analysis or periodic review under section 610 of that Act. DOE's regulatory flexibility agenda is made up of six rulemakings that will either set energy efficiency standards or establish test procedures for the following products:

- Ceiling Fan Light Kits
- Ceiling Fans
- Commercial Pre-Rinse Spray Valves
- Light-Emitting Diode Lamps
- Refrigerated Bottled or Canned Beverage Vending Machines

The Plan appears in both the online Agenda and the **Federal Register** and includes the most important of DOE's significant regulatory actions and a Statement of Regulatory and Deregulatory Priorities.

Steven P. Croley,
General Counsel.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
238	Standards for Refrigerated Bottled or Canned Beverage Vending Machines	1904–AD00
239	Energy Conservation Standards for Ceiling Fans	1904–AD28

ENERGY EFFICIENCY AND RENEWABLE ENERGY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
240	Test Procedures for Light-Emitting Diode Lamps	1904–AC67
241	Energy Conservation Standards for Residential Ceiling Fan Light Kits	1904–AC87

ENERGY EFFICIENCY AND RENEWABLE ENERGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No
242	Energy Conservation Standards for Commercial Pre-Rinse Spray Valves	1904–AD31

ENERGY EFFICIENCY AND RENEWABLE ENERGY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
243	Test Procedure for Refrigerated Bottled or Canned Beverage Vending Machines	1904–AD07

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Proposed Rule Stage

238. Standards for Refrigerated Bottled or Canned Beverage Vending Machines

Legal Authority: 42 U.S.C. 6295(m)(1)

Abstract: EPCA, as amended by AEMTCA 2012, requires the Secretary to determine whether updating the statutory energy conservation standards for refrigerated beverage vending machines is technologically feasible and economically justified. If it is determined that it is technologically feasible and economically justified, the Secretary will issue amended energy conservation standards by August 2017.

Timetable:

Action	Date	FR Cite
Framework Document Availability and Public Meeting.	06/04/13	78 FR 33262
Framework Document Extended Comment Period.	07/10/13	78 FR 41333
Preliminary Technical Support Document and Public Meeting.	08/08/14	79 FR 46379

Action	Date	FR Cite
Preliminary Technical Support Document Comment Period End.	10/07/14	
NPRM	08/19/15	80 FR 50462
NPRM Comment Period End.	10/19/15	
NPRM Comment Period Reopened.	10/23/15	80 FR 64370
NPRM Comment Period Reopened End.	11/23/15	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, Office of Building Technologies Program, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov*.

RIN: 1904–AD00

239. Energy Conservation Standards for Ceiling Fans

Legal Authority: 42 U.S.C. 6295(ff)

Abstract: EPCA authorizes the Secretary to determine whether updating the statutory energy conservation standards for ceiling fans is technically feasible and economically justified and would result in significant energy savings. If these criteria are met, the Secretary may issue amended energy conservation standards for ceiling fans.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	
Final Action	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lucy DeButts, Office of Buildings Technologies Program, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1604, *Email: lucy.debutts@ee.doe.gov*.

RIN: 1904–AD28

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Final Rule Stage

240. Test Procedures for Light-Emitting Diode Lamps

Legal Authority: 42 U.S.C. 6294(a)(6); 42 U.S.C. 6293

Abstract: EPCA, as amended by EISA 2007, requires the Secretary to create test procedures for light emitting diode (LED) lamps that accurately represent the energy consumption of this product. The Secretary will issue new test procedures by December 2015. This rulemaking is supporting the implementation by the Federal Trade Commission of labeling provisions under 42 U.S.C.6294(a)(6). The rulemaking will include methods for determining lumen output, input power, correlated color, temperature, and lifetime.

Timetable:

Action	Date	FR Cite
NPRM	04/09/12	77 FR 21038
NPRM Comment Period End.	06/25/12	
Supplemental NPRM.	06/03/14	79 FR 32019
Supplemental NPRM Comment Period End.	08/04/14	
Second Supplemental NPRM.	06/26/14	79 FR 36242
Second Supplemental NPRM Comment Period End.	08/04/14	
Third Supplemental NPRM.	07/09/15	80 FR 39644
Third Supplemental NPRM Comment Period End.	08/10/15	
Final Action	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lucy DeButts, Office of Buildings Technologies Program, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1604, *Email: lucy.debutts@ee.doe.gov*.

RIN: 1904–AC67

241. Energy Conservation Standards for Residential Ceiling Fan Light Kits

Legal Authority: 42 U.S.C. 6295(ff)(5) and (6)

Abstract: EPCA authorizes the Secretary to determine whether updating the statutory energy conservation standards for ceiling fan light kits is technically feasible and economically justified and would result in significant energy savings. If the criteria are met, the Secretary may issue amended energy conservation standards for these products.

Timetable:

Action	Date	FR Cite
Public Meeting and Availability of Framework Document.	03/15/13	78 FR 16443
Framework Document Comment Period End.	04/29/13	
Correction and Comment Period Extended.	05/02/13	78 FR 25626
Comment Period Extended End.	06/14/13	
Request for Information (RFI).	10/22/13	78 FR 62494
RFI Comment Period End.	11/21/13	
Notice of Public Meeting; Availability of Preliminary Technical Support Document (Ceiling Fans).	09/29/14	79 FR 58290
Preliminary Technical Support Document (Ceiling Fans) Comment Period End.	11/28/14	
Notice of Public Meeting Availability of Preliminary Technical Support Document (Ceiling Fan Kits).	10/31/14	79 FR 64712
Preliminary Technical Support Document (Ceiling Fan Kit) Comment Period End.	12/30/14	
NPRM	08/13/15	80 FR 48623
NPRM Comment Period End.	10/13/15	
Final Action	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lucy DeButts, Office of Buildings Technologies Program, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1604, *Email: lucy.debutts@ee.doe.gov*.

RIN: 1904–AC87

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Long-Term Actions

242. Energy Conservation Standards for Commercial Pre–Rinse Spray Valves

Legal Authority: 42 U.S.C. 6295(m)

Abstract: EPCA, as amended by EPACT 2005, requires the Secretary to determine whether amending the

statutory energy conservation standards for commercial pre-rinse spray valves is technologically feasible and economically justified. If justified, the Secretary will issue amended energy conservation standards for commercial prerinse spray valves.

Timetable:

Action	Date	FR Cite
Framework Document.	09/11/14	79 FR 54213
Framework Document Comment Period End.	10/27/14	
Framework Document Comment Period Extended.	10/21/14	79 FR 62899
Framework Document Comment Period Extended End.	11/12/14	
NPRM	07/09/15	80 FR 39486
NPRM Comment Period Extended.	08/28/15	80 FR 52210
NPRM Extended Comment Period End.	09/22/15	
Final Action	11/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ashley Armstrong, *Phone:* 202 586–6590, *Email: ashley.armstrong@ee.doe.gov*.

RIN: 1904–AD31

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Completed Actions

243. Test Procedure for Refrigerated Bottled or Canned Beverage Vending Machines

Legal Authority: 42 U.S.C. 6293(b)(1)

Abstract: EPCA, as amended by EISA 2007, requires the Secretary to review test procedures for refrigerated beverage vending machines and determine if an amended test procedure would more accurately or fully comply with requirements under EPCA.

Completed:

Reason	Date	FR Cite
Final Action	07/31/15	80 FR 45758
Final Action Effective.	08/31/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ashley Armstrong, *Phone:* 202 586–6590, *Email: ashley.armstrong@ee.doe.gov*.

RIN: 1904–AD07

[FR Doc. 2015–30619 Filed 12–14–15; 8:45 am]

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Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

25 CFR Ch. V

42 CFR Chs. I–V

45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII

Regulatory Agenda

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Flexibility Act of 1980 and Executive Order (E.O.) 12866 require the semiannual issuance of an inventory of rulemaking actions under development throughout the Department, offering for public review summarized information about forthcoming regulatory actions.

FOR FURTHER INFORMATION CONTACT: Madhura C. Valverde, Executive Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201; (202) 690–5627.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is the federal government's principal agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.

This Agenda reflects this complex mission through planned rulemakings structured to implement the Department's six arcs for implementation of its strategic plan: Leaving the Department Stronger; Keeping People Healthy and Safe; Reducing the Number of Uninsured and Providing Access to Affordable Quality Care; Leading in Science and Innovation; Delivering High Quality Care and Spending Our Health Care Dollars More Wisely; and Ensuring the Building Blocks for Success at Every Stage of Life.

HHS has an agency-wide effort to support the Agenda's purpose of encouraging more effective public participation in the regulatory process. For example, to encourage public participation, we regularly update our regulatory Web page (*http://www.HHS.gov/regulations*) which includes links to HHS rules currently open for public comment, and also provides a ''regulations toolkit'' with background information on regulations, the commenting process, how public comments influence the development of a rule, and how the public can provide effective comments. HHS welcomes meaningful public participation in its retrospective review of regulations, through a comment form on the HHS retrospective review Web page (*http://www.HHS.gov/RetrospectiveReview*).

The rulemaking abstracts included in this paper issue of the **Federal Register** cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department's complete Regulatory Agenda is accessible online at *http://www.RegInfo.gov*.

Madhura C. Valverde,

Executive Secretary to the Department.

OFFICE FOR CIVIL RIGHTS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
244	Nondiscrimination Under the Patient Protection and Affordable Care Act	0945–AA02

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
245	Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products	0910–AF31
246	Over-the-Counter (OTC) Drug Review—Topical Antimicrobial Drug Products	0910–AF69
247	Laser Products; Amendment to Performance Standard	0910–AF87
248	Updated Standards for Labeling of Pet Food	0910–AG09
249	Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives	0910–AG59
250	Format and Content of Reports Intended to Demonstrate Substantial Equivalence	0910–AG96
251	Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods	0910–AH00
252	Radiology Devices; Designation of Special Controls for the Computed Tomography X-Ray System	0910–AH03
253	Mammography Quality Standards Act; Regulatory Amendments	0910–AH04
254	Investigational New Drug Application Annual Reporting	0910–AH07
255	General and Plastic Surgery Devices: Sunlamp Products	0910–AH14
256	Requirements for Tobacco Product Manufacturing Practice	0910–AH22

FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
257	Requirements for Foreign and Domestic Establishment Registration and Listing for Human Drugs, Including Drugs That Are Regulated Under a Biologics License Application, and Animal Drugs.	0910–AA49
258	Food Labeling: Revision of the Nutrition and Supplement Facts Labels **(Reg Plan Seq No. 32)**	0910–AF22
259	Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed At One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain RACCs **(Reg Plan Seq No. 33)**.	0910–AF23
260	Abbreviated New Drug Applications and 505(b)(2)	0910–AF97
261	Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products.	0910–AG18

FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
262	Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption **(Reg Plan Seq No. 34)**.	0910–AG35
263	''Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act **(Reg Plan Seq No. 35)**.	0910–AG38
264	Human Subject Protection; Acceptance of Data From Clinical Investigations for Medical Devices	0910–AG48
265	Focused Mitigation Strategies To Protect Food Against Intentional Adulteration **(Reg Plan Seq No. 37)**	0910–AG63
266	Foreign Supplier Verification Program **(Reg Plan Seq No. 38)**	0910–AG64
267	Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products **(Reg Plan Seq No. 40)**.	0910–AG94
268	Sanitary Transportation of Human and Animal Food **(Reg Plan Seq No. 41)**	0910–AG98

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
269	Regulations on Human Drug Compounding Under Sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act.	0910–AH10

FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
270	Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals.	0910–AG10
271	Current Good Manufacturing and Hazard Analysis, and Risk-Based Preventive Controls for Human Food	0910–AG36
272	Veterinary Feed Directive	0910–AG95

CENTERS FOR MEDICARE & MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
273	Hospital and Critical Access Hospital (CAH) Changes to Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–P) **(Rulemaking Resulting From a Section 610 Review)**.	0938–AS21
274	Medicare Clinical Diagnostic Laboratory Test Payment System (CMS–1621–F) **(Section 610 Review)**	0938–AS33
275	Merit-Based Incentive Payment System (MIPS) and Alternative Payment Models (APMs) in Medicare Fee-for-Service (CMS–5517–P) **(Section 610 Review) (Reg Plan Seq No. 44)**.	0938–AS69
276	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2017 Rates (CMS–1655–P) **(Section 610 Review) (Reg Plan Seq No. 45)**.	0938–AS77
277	CY 2017 Home Health Prospective Payment System Refinements and Rate Update (CMS–1648–P) **(Section 610 Review)**.	0938–AS80
278	CY 2017 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1654–P) **(Section 610 Review) (Reg Plan Seq No. 46)**.	0938–AS81
279	CY 2017 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1656–P) **(Section 610 Review) (Reg Plan Seq No. 47)**.	0938–AS82

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
280	Covered Outpatient Drugs (CMS–2345–F) **(Section 610 Review)**	0938–AQ41
281	Reform of Requirements for Long-Term Care Facilities (CMS–3260–F) **(Rulemaking Resulting From a Section 610 Review)**.	0938–AR61
282	CY 2016 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1631–FC) **(Section 610 Review)**.	0938–AS40
283	CY 2016 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1633–FC) **(Section 610 Review)**.	0938–AS42
284	Comprehensive Care for Joint Replacement (CMS–5516–F) **(Section 610 Review)**	0938–AS64

CENTERS FOR MEDICARE & MEDICAID SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
285	Home Health Agency Conditions of Participation (CMS–3819–F) **(Rulemaking Resulting From a Section 610 Review)**.	0938–AG81
286	Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers (CMS–3178–F) **(Section 610 Review)**.	0938–AO91

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
287	Medicare Shared Savings Program; Accountable Care Organizations (CMS–1461–F) **(Completion of a Section 610 Review)**.	0938–AS06
288	Electronic Health Record Incentive Program—Stage 3 and Modifications to Meaningful Use in 2015 through 2017 (CMS–3310–F) **(Section 610 Review)**.	0938–AS26
289	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2016 Rates (CMS–1632–FC) **(Completion of a Section 610 Review)**.	0938–AS41
290	FY 2016 Inpatient Rehabilitation Facility Prospective Payment System (CMS–1624–F) **(Completion of a Section 610 Review)**.	0938–AS45
291	CY 2016 Home Health Prospective Payment System Refinements and Rate Update (CMS–1625–F) **(Section 610 Review)**.	0938–AS46
292	Electronic Health Record Incentive Program—Modifications to Meaningful Use in 2015 through 2017 (CMS–3311–F) **(Completion of a Section 610 Review)**.	0938–AS58

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office for Civil Rights (OCR)

Proposed Rule Stage

244. Nondiscrimination Under the Patient Protection and Affordable Care Act

Legal Authority: 42 U.S.C. 18116

Abstract: This final rule implements prohibitions against discrimination on the basis of race, color, national origin, sex, age, and disability as provided in section 1557 of the Affordable Care Act. Section 1557 provides protection from discrimination in health programs and activities of covered entities. This section also identifies additional forms of Federal financial assistance to which the section will apply.

Timetable:

Action	Date	FR Cite
NPRM	09/08/15	80 FR 54172
NPRM Comment Period End.	11/09/15	
Final Action	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eileen Hanrahan, Senior Civil Rights Analyst, Department of Health and Human Services, Office for Civil Rights, 200 Independence Avenue SW., Washington, DC 20201, *Phone:* 202 205–4925, *Email: eileen.hanrahan@hhs.gov*.

RIN: 0945–AA02

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Proposed Rule Stage

245. Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: FDA will be proposing a rule to add the common cold indication to certain over-the-counter (OTC) antihistamine active ingredients. This proposed rule is the result of collaboration under the U.S.-Canada Regulatory Cooperation Council (RCC) as part of efforts to reduce unnecessary duplication and differences. This pilot exercise will help determine the feasibility of developing an ongoing mechanism for alignment in review and adoption of OTC drug monograph elements.

Timetable:

Action	Date	FR Cite
Reopening of Administrative Record.	08/25/00	65 FR 51780
Comment Period End.	11/24/00	
NPRM (Amendment) (Common Cold).	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams–King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF31

246. Over-the-Counter (OTC) Drug Review—Topical Antimicrobial Drug Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (*i.e.,* final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses antimicrobial agents in consumer antiseptic hand wash.

Timetable:

Action	Date	FR Cite
NPRM (Healthcare).	06/17/94	59 FR 31402
Comment Period End.	12/15/95	
NPRM (Consumer Hand Wash Products).	12/17/13	78 FR 76443

Action	Date	FR Cite
NPRM (Consumer Hand Wash) Comment Period End.	06/16/14	
NPRM (Healthcare Antiseptic).	05/01/15	80 FR 25166
NPRM Comment Period End (Healthcare Antiseptic).	10/28/15	
NPRM (Consumer Hand Rub).	06/00/16	
Final Rule (Consumer Hand Wash).	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams–King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF69

247. Laser Products; Amendment to Performance Standard

Legal Authority: 21 U.S.C. 360hh to 360ss; 21 U.S.C. 371; 21 U.S.C. 393

Abstract: FDA is proposing to amend the 2013 proposed rule for the performance standard for laser products, which will amend the performance standard for laser products to achieve closer harmonization between the current standard and the recently amended International Electrotechnical Commission (IEC) standard for laser products and medical laser products. The amendment is intended to update FDA's performance standard to reflect advancements in technology.

Timetable:

Action	Date	FR Cite
NPRM	06/24/13	78 FR 37723
NPRM Comment Period End.	09/23/13	
NPRM (Reproposal).	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4438, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: nancy.pirt@fda.hhs.gov*.

RIN: 0910–AF87

248. Updated Standards for Labeling of Pet Food

Legal Authority: 21 U.S.C. 343; 21 U.S.C. 371; Pub. L. 110–85, sec 1002(a)(3)

Abstract: FDA is proposing updated standards for the labeling of pet food that include nutritional and ingredient information, as well as style and formatting standards. FDA is taking this action to provide pet owners and animal health professionals more complete and consistent information about the nutrient content and ingredient composition of pet food products.

Timetable:

Action	Date	FR Cite
NPRM	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Burkholder, Veterinary Medical Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, MPN–4, Room 2642, HFV–228, 7519 Standish Place, Rockville, MD 20855, *Phone:* 240 402–5900, *Email: william.burkholder@fda.hhs.gov*.

RIN: 0910–AG09

249. Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives

Legal Authority: 21 U.S.C. 301 *et seq.et seq.;* 21 U.S.C. 387; The Family Smoking Prevention and Tobacco Control Act

Abstract: The Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act, requires the Food and Drug Administration to promulgate regulations that require the testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, that the Agency determines should be tested to protect the public health.

Timetable:

Action	Date	FR Cite
NPRM	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Laura Rich, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Building 71, G335, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AG59

250. Format and Content of Reports Intended to Demonstrate Substantial Equivalence

Legal Authority: 21 U.S.C. 387e(j); 21 U.S.C. 387j(a); secs 905(j) and 910(a) of the Federal Food, Drug, and Cosmetic Act

Abstract: This regulation would establish the format and content of reports intended to demonstrate substantial equivalence. This regulation also would provide information as to how the Agency will review and act on these submissions.

Timetable:

Action	Date	FR Cite
NPRM	07/00/16	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Annette L. Marthaler, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 877 287–1426, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AG96

251. Food Labeling; Gluten-Free Labeling of Fermented, Hydrolyzed, or Distilled Foods

Legal Authority: sec 206 of the Food Allergen Labeling and Consumer Protection Act; 21 U.S.C. 343(a)(1); 21 U.S.C. 321(n); 21 U.S.C. 371(a)

Abstract: This proposed rule would establish requirements concerning compliance for using a ''gluten-free'' labeling claim for those foods for which there is no scientifically valid analytical method available that can reliably detect and accurately quantify the presence of 20 parts per million (ppm) gluten in the food.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol D'Lima, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Room 4D022, HFS 820, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240

402–2371, *Fax:* 301 436–2636, *Email: carol.dlima@fda.hhs.gov*.

RIN: 0910–AH00

252. Radiology Devices; Designation of Special Controls for the Computed Tomography X-RAY SYSTEM

Legal Authority: 21 U.S.C. 360c

Abstract: The proposed rule would establish special controls for the computed tomography (CT) X-ray system. A CT X-ray system is a diagnostic X-ray imaging system intended to produce cross-sectional images of the body through use of a computer to reconstruct an image from the same axial plane taken at different angles. High doses of ionizing radiation can cause acute (deterministic) effects such as burns, reddening of the skin, cataracts, hair loss, sterility, and, in extremely high doses, radiation poisoning. The design of a CT X-ray system should balance the benefits of the device (*i.e.,* the ability of the device to produce a diagnostic quality image) with the known risks (*e.g.,* exposure to ionizing radiation). FDA is establishing proposed special controls, which are necessary to provide reasonable assurance of the safety and effectiveness of a class II CT X-ray system.

Timetable:

Action	Date	FR Cite
NPRM	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Blake, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4426, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: erica.blake@fda.hhs.gov*.

RIN: 0910–AH03

253. Mammography Quality Standards Act; Regulatory Amendments

Legal Authority: 21 U.S.C. 360i; 21 U.S.C. 360nn; 21 U.S.C. 374(e); 42 U.S.C. 263b

Abstract: FDA is proposing to amend its regulations governing mammography. The amendments would update the regulations issued under the Mammography Quality Standards Act of 1992 (MQSA). FDA is taking this action to address changes in mammography technology and mammography processes, such as breast density reporting, that have occurred since the regulations were published in 1997.

Timetable:

Action	Date	FR Cite
NPRM	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4438, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: nancy.pirt@fda.hhs.gov*.

RIN: 0910–AH04

254. Investigational New Drug Application Annual Reporting

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355(i); 21 U.S.C. 371(a); 42 U.S.C. 262(a)

Abstract: This proposed rule would revise the requirements concerning annual reports submitted to investigational new drug applications (INDs) by replacing the current annual reporting requirement with a requirement that is generally consistent with the format, content, and timing of submission of the development safety update report devised by the International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH).

Timetable:

Action	Date	FR Cite
NPRM	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ebla Ali Ibrahim, Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Building 51, Room 6302, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3691, *Email: ebla.ali-ibrahim@fda.hhs.gov*.

RIN: 0910–AH07

255. General and Plastic Surgery Devices: Sunlamp Products

Legal Authority: 21 U.S.C. 360j(e)

Abstract: This proposed rule would apply device restrictions to sunlamp products.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Gadiock, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Avenue, W0–66, Room 4432, Silver Spring, MD 20993–0002, *Phone:* 301 796–5736, *Fax:* 301 847–8145, *Email: paul.gadiock@fda.hhs.gov*.

RIN: 0910–AH14

256. Requirements for Tobacco Product Manufacturing Practice

Legal Authority: 21 U.S.C. 371; 21 U.S.C. 387b; 21 U.S.C. 387f

Abstract: FDA is proposing requirements that govern the methods used in, and the facilities and controls used for, the pre-production design validation, manufacture, packing, and storage of tobacco products.

Timetable:

Action	Date	FR Cite
ANPRM	03/19/13	78 FR 16824
ANPRM Comment Period End.	05/20/13	
NPRM	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Darin Achilles, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287–1373, *Fax:* 301 595–1426, *Email: ctpregulations@fda.hhs.gov*.

RIN: 0910–AH22

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Final Rule Stage

257. Requirements for Foreign and Domestic Establishment Registration and Listing for Human Drugs, Including Drugs That are Regulated Under a Biologics License Application, and Animal Drugs

Legal Authority: 21 U.S.C. 321 and 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355 to 356c; 21 U.S.C. 360 and 360b; 21 U.S.C. 360c to 360f; 21 U.S.C. 360h to 360j; 21 U.S.C. 371 and 374; 21 U.S.C. 379e and 381; 21 U.S.C. 393; 15 U.S.C. 1451 to 1561; 42 U.S.C. 262 and 264; 42 U.S.C. 271

Abstract: The rule will reorganize, consolidate, clarify, and modify current regulations concerning who must register establishments and list human drugs, including certain biological

drugs, and animal drugs. These regulations contain information on when, how, and where to register drug establishments and list drugs, and what information must be submitted. They also address National Drug Codes.

Timetable:

Action	Date	FR Cite
NPRM	08/29/06	71 FR 51276
NPRM Comment Period End.	02/26/07	
Final Action	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Joy, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 6254, Silver Spring, MD 20993, *Phone:* 301 796–2242, *Email: david.joy@fda.hhs.gov*.

RIN: 0910–AA49

258. Food Labeling: Revision of the Nutrition and Supplement Facts Labels

Regulatory Plan: This entry is Seq. No. 32 in part II of this issue of the **Federal Register**.

RIN: 0910–AF22

259. Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed At One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain RACCS

Regulatory Plan: This entry is Seq. No. 33 in part II of this issue of the **Federal Register**.

RIN: 0910–AF23

260. Abbreviated New Drug Applications and 505(B)(2)

Legal Authority: Pub. L. 108–173, title XI; 21 U.S.C. 355; 21 U.S.C. 371

Abstract: This proposed rule would make changes to certain procedures for Abbreviated New Drug Applications and related applications to patent certifications, notice to patent owners and application holders, the availability of a 30-month stay of approval, amendments and supplements, and the types of bioavailability and bioequivalence data that can be used to support these applications.

Timetable:

Action	Date	FR Cite
NPRM	02/06/15	80 FR 6802
NPRM Comment Period End.	05/07/15	
NPRM Comment Period Extended.	04/24/15	80 FR 22953
NPRM Comment Period Extended End.	06/08/15	
Final Action	08/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice L. Weiner, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 6268, Silver Spring, MD 20993–0002, *Phone:* 301 796–3601, *Fax:* 301 847–8440, *Email: janice.weiner@fda.hhs.gov*.

RIN: 0910–AF97

261. Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This rule would require electronic package inserts for human drug and biological prescription products with limited exceptions, in lieu of paper, which is currently used. These inserts contain prescribing information intended for healthcare practitioners. This would ensure that the information accompanying the product is the most up-to-date information regarding important safety and efficacy issues about these products.

Timetable:

Action	Date	FR Cite
NPRM	12/18/14	79 FR 75506
NPRM Comment Period Extended.	03/09/15	80 FR 12364
NPRM Comment Period End.	03/18/15	
NPRM Comment Period Extended End.	05/18/15	
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Emily Gebbia, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 6226, Silver Spring, MD 20993, *Phone:* 240 402–0980, *Email: emily.gebbia@fda.hhs.gov*.

RIN: 0910–AG18

262. Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption

Regulatory Plan: This entry is Seq. No. 34 in part II of this issue of the **Federal Register**.

RIN: 0910–AG35

263. ''Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act

Regulatory Plan: This entry is Seq. No. 35 in part II of this issue of the **Federal Register**.

RIN: 0910–AG38

264. Human Subject Protection; Acceptance of Data From Clinical Investigations for Medical Devices

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 360; 21 U.S.C. 360c; 21 U.S.C. 360e; 21 U.S.C. 360i; 21 U.S.C. 360j; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 21 U.S.C. 393; 42 U.S.C. 264; 42 U.S.C. 271; . . .

Abstract: This rule will amend FDA's regulations on acceptance of data for medical devices to require that clinical investigations submitted in support of a premarket approval application, humanitarian device exemption application, an investigational device exemption application, or a premarket notification submission be conducted in accordance with good clinical practice if conducted outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	02/25/13	78 FR 12664
NPRM Comment Period End.	05/28/13	
Final Action	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Aaliyah K. Eaves, Policy Advisor, Office of the Director, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 5422, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–2948, *Fax:* 301 847–8120, *Email: aaliyah.eaves-leanos@fda.hhs.gov*.

RIN: 0910–AG48

265. Focused Mitigation Strategies To Protect Food Against Intentional Adulteration

Regulatory Plan: This entry is Seq. No. 37 in part II of this issue of the **Federal Register**.

RIN: 0910–AG63

266. Foreign Supplier Verification Program

Regulatory Plan: This entry is Seq. No. 38 in part II of this issue of the **Federal Register**.

RIN: 0910–AG64

267. Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products

Regulatory Plan: This entry is Seq. No. 40 in part II of this issue of the **Federal Register**.

RIN: 0910–AG94

268. Sanitary Transportation of Human and Animal Food

Regulatory Plan: This entry is Seq. No. 41 in part II of this issue of the **Federal Register**.

RIN: 0910–AG98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Long-Term Actions

269. Regulations on Human Drug Compounding Under Sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act

Legal Authority: 21 U.S.C. 353a; 21 U.S.C. 353b; 21 U.S.C. 371

Abstract: FDA will propose regulations to define and implement certain statutory conditions under which compounded products may qualify for exemptions from certain requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sarah Rothman, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 5197, Silver Spring, MD 20993, *Phone:* 301 796–3536, *Email: sarah.rothman@fda.hhs.gov*.

RIN: 0910–AH10

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Completed Actions

270. Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 350c; 21 U.S.C. 350d note; 21 U.S.C. 350g; 21 U.S.C. 350g note; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 264; 42 U.S.C. 243; 42 U.S.C. 271; . . .

Abstract: This rule establishes requirements for good manufacturing practice, and requires that certain facilities establish and implement hazard analysis and risk-based preventive controls for animal food, including ingredients and mixed animal feed. This action is intended to provide greater assurance that food for all animals, including pets, is safe.

Timetable:

Action	Date	FR Cite
NPRM	10/29/13	78 FR 64736
NPRM Comment Period Extension.	02/03/14	79 FR 6111
NPRM Comment Period End.	02/26/14	
NPRM Comment Period Extension End.	03/31/14	
Supplemental NPRM.	09/29/14	79 FR 58475
Supplemental NPRM Comment Period End.	12/15/14	
Final Rule	09/17/15	80 FR 56169
Final Rule Effective.	11/16/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeanette (Jenny) B. Murphy, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, Room 2671 (MPN–4, HFV–200), 7519 Standish Place, Rockville, MD 20855, *Phone:* 240 453–6845, *Email: jenny.murphy@fda.hhs.gov*.

RIN: 0910–AG10

271. Current Good Manufacturing and Hazard Analysis, and Risk-Based Preventive Controls for Human Food

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 371; 42 U.S.C. 264; Pub. L. 111–353 (signed on Jan. 4, 2011)

Abstract: This rule would require a food facility to have and implement preventive controls to significantly minimize or prevent the occurrence of hazards that could affect food manufactured, processed, packed, or held by the facility. This action is intended to prevent or, at a minimum, quickly identify foodborne pathogens before they get into the food supply.

Timetable:

Action	Date	FR Cite
NPRM	01/16/13	78 FR 3646
NPRM Comment Period End.	05/16/13	
NPRM Comment Period Extended.	04/26/13	78 FR 24691
NPRM Comment Period Extended End.	09/16/13	
NPRM Comment Period Extended.	08/09/13	78 FR 48636
NPRM Comment Period Extended End.	11/15/13	
NPRM Comment Period Extended.	11/20/13	78 FR 69604
NPRM Comment Period Extended End.	11/22/13	
Supplemental NPRM.	09/29/14	79 FR 58523
Supplemental NPRM Comment Period End.	12/15/14	
Final Rule	09/17/15	80 FR 55907
Final Action Effective.	11/16/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jenny Scott, Senior Advisor, Department of Health and Human Services, Food and Drug Administration, Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1488, *Email: jenny.scott@fda.hhs.gov*.

RIN: 0910–AG36

272. Veterinary Feed Directive

Legal Authority: 21 U.S.C. 354; 21 U.S.C. 360b; 21 U.S.C. 360ccc; 21 U.S.C. 360ccc–1; 21 U.S.C. 371

Abstract: The Animal Drug Availability Act created a new category of products called veterinary feed directive (VFD) drugs. This rulemaking is intended to provide for the increased efficiency of the VFD program.

Timetable:

Action	Date	FR Cite
ANPRM	03/29/10	75 FR 15387
ANPRM Comment Period End.	06/28/10	
NPRM	12/12/13	78 FR 75515
NPRM Comment Period End.	03/12/14	

Action	Date	FR Cite
Final Action	06/03/15	80 FR 31708
Final Action (Correction).	06/23/15	80 FR 35841

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sharon Benz, Supervisory Animal Scientist, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, MPN–4, Room 2648, HFV–220, 7519 Standish Place, Rockville, MD 20855, *Phone:* 240 402–5939, *Email: sharon.benz@fda.hhs.gov*.

RIN: 0910–AG95

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Proposed Rule Stage

273. Hospital and Critical Access Hospital (CAH) Changes To Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–P) (Rulemaking Resulting From a Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh and 1395rr

Abstract: This proposed rule would update the requirements that hospitals and Critical Access Hospitals (CAHs) must meet to participate in the Medicare and Medicaid programs. These proposals are intended to conform the requirements to current standards of practice and to support improvements in quality of care, reduce barriers to care, and reduce some issues that may exacerbate workforce shortage concerns.

Timetable:

Action	Date	FR Cite
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: CDR Scott Cooper, Senior Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Mail Stop S3–01–02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9465, *Email: scott.cooper@cms.hhs.gov*.

RIN: 0938–AS21

274. Medicare Clinical Diagnostic Laboratory Test Payment System (CMS–1621–F) (Section 610 Review)

Legal Authority: Pub. L. 113–93, sec 216

Abstract: This final rule requires Medicare payment for clinical laboratory tests to be based on private payor rates beginning January 1, 2017, as required by section 216(a) of the Protecting Access to Medicare Act of 2014.

Timetable:

Action	Date	FR Cite
NPRM	10/01/15	80 FR 59385
NPRM Comment Period End.	11/25/15	
Final Action	10/00/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Valerie Miller, Deputy Director, Division of Ambulatory Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, Mail Stop C4–01–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4535, *Email: valerie.miller@cms.hhs.gov*.

Sarah Harding, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4535, *Email: sarah.harding@cms.hhs.gov*.

RIN: 0938–AS33

275. • Merit-Based Incentive Payment System (MIPS) and Alternative Payment Models (APMS) in Medicare Fee-for-Service (CMS–5517–P) (Section 610 Review)

Regulatory Plan: This entry is Seq. No. 44 in part II of this issue of the **Federal Register**.

RIN: 0938–AS69

276. • Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2017 Rates (CMS–1655–P) (Section 610 Review)

Regulatory Plan: This entry is Seq. No. 45 in part II of this issue of the **Federal Register**.

RIN: 0938–AS77

277. • CY 2017 Home Health Prospective Payment System Refinements and Rate Update (CMS–1648–P) (Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would update the 60-day national episode rate based on the applicable home health market basket update and case-mix adjustment. It would also update the national per-visit rates used to calculate low utilization payment adjustments (LUPAs) and outlier payments under the Medicare prospective payment system for home health agencies. These changes would apply to services furnished during home health episodes beginning on or after January 1, 2017.

Timetable:

Action	Date	FR Cite
NPRM	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary Loeffler, Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–07–28, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–0456, *Email: hillary.loeffler@cms.hhs.gov*.

RIN: 0938–AS80

278. • CY 2017 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1654–P) (Section 610 Review)

Regulatory Plan: This entry is Seq. No. 46 in part II of this issue of the **Federal Register**.

RIN: 0938–AS81

279. • CY 2017 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1656–P) (Section 610 Review)

Regulatory Plan: This entry is Seq. No. 47 in part II of this issue of the **Federal Register**.

RIN: 0938–AS82

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Final Rule Stage

280. Covered Outpatient Drugs (CMS–2345–F) (Section 610 Review)

Legal Authority: Pub. L. 111– 48, sec 2501; Pub. L. 111– 48, 2503; Pub. L. 111– 48, 3301(d)(2); Pub. L. 111–152, sec 1206; Pub. L. 111–8, sec 221

Abstract: This final rule revises requirements pertaining to Medicaid

reimbursement for covered outpatient drugs to implement provisions of the Affordable Care Act. This rule also revises other requirements related to covered outpatient drugs, including key aspects of Medicaid coverage, payment, and the drug rebate program.

Timetable:

Action	Date	FR Cite
NPRM	02/02/12	77 FR 5318
NPRM Comment Period End.	04/02/12	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Wendy Tuttle, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicaid and State Operations, Mail Stop S2–14–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–8690, *Email: wendy.tuttle@cms.hhs.gov*.

RIN: 0938–AQ41

281. Reform of Requirements for Long-Term Care Facilities (CMS–3260–F) (Rulemaking Resulting From a Section 610 Review)

Legal Authority: Pub. L. 111–148, sec 6102; 42 U.S.C. 263a; 42 U.S.C. 1302; 42 U.S.C. 1395hh; 42 U.S.C. 1395rr

Abstract: This final rule revises the requirements that long-term care facilities must meet to participate in the Medicare and Medicaid programs. These changes are necessary to reflect the substantial advances that have been made over the past several years in the theory and practice of service delivery and safety. The rule is also an integral part of CMS efforts to achieve broad-based improvements both in the quality of health care furnished through federal programs, and in patient safety, while at the same time reducing procedural burdens on providers.

Timetable:

Action	Date	FR Cite
NPRM	07/16/15	80 FR 42167
NPRM Comment Period Extension.	09/15/15	80 FR 55284
NPRM Comment Period End.	10/14/15	
Final Action	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronisha Blackstone, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6882, *Email: ronisha.blackstone@cms.hhs.gov*.

RIN: 0938–AR61

282. CY 2016 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1631–FC) (Section 610 Review)

Legal Authority: 42 U.S.C. 405(a), 1302, 1395x, 1395y(a), 1395ff, 1395kk, 1395rr and 1395ww(k); 42 U.S.C. 263a; 42 U.S.C. 1395m, 1395hh, and 1395ddd; 42 U.S.C. 1395w–101 through 1395w–152, and 1395nn; . . .

Abstract: This annual final rule revises payment polices under the Medicare physician fee schedule, and makes other policy changes to payment under Medicare Part B. These changes apply to services furnished beginning January 1, 2016.

Timetable:

Action	Date	FR Cite
NPRM	07/15/15	80 FR 41686
NPRM Comment Period End.	09/08/15	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ryan Howe, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–15, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3355, *Email: ryan.howe@cms.hhs.gov*.

RIN: 0938–AS40

283. CY 2016 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1633–FC) (Section 610 Review)

Legal Authority: 42 U.S.C. 1302, 1395m, 1395hh, and 1395ddd

Abstract: This annual final rule revises the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule changes the ambulatory surgical center payment system list of services and rates.

Timetable:

Action	Date	FR Cite
NPRM	07/08/15	80 FR 39200
NPRM Comment Period End.	08/31/15	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marjorie Baldo, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4617, *Email: marjorie.baldo@cms.hhs.gov*.

RIN: 0938–AS42

284. • Comprehensive Care for Joint Replacement (CMS–5516–F) (Section 610 Review)

Legal Authority: Social Security Act, sec 1115A

Abstract: This final rule implements a new Medicare Part A and B payment model under section 1115A of the Social Security Act, called the Comprehensive Care Joint Replacement Model, in which acute care hospitals in certain selected geographic areas receive retrospective bundled payments for episodes of care for lower extremity joint replacement or reattachment of a lower extremity. All related care within 90 days of hospital discharge from the joint replacement procedures would be included in the episode of care. We believe this model furthers our goals in improving the efficiency and quality of care for Medicare beneficiaries for these common medical procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/14/15	80 FR 41198
NPRM Comment Period End.	09/08/15	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gabriel Scott, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare & Medicaid Innovation, MS: WB–06–05, 7500 Security Blvd., Baltimore, MD 21244, *Phone:* 410 786–3928, *Email: gabriel.scott@cms.hhs.gov*.

RIN: 0938–AS64

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Long-Term Actions

285. Home Health Agency Conditions of Participation (CMS–3819–F) (Rulemaking Resulting From a Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395x; 42 U.S.C. 1395cc(a); 42 U.S.C. 1395hh; 42 U.S.C. 1395bb

Abstract: This final rule revises the existing Conditions of Participation that Home Health Agencies (HHA) must meet to participate in the Medicare program. The new requirements focus on the actual care delivered to patients by HHAs, reflect an interdisciplinary view of patient care, allow HHAs greater flexibility in meeting quality standards, and eliminate unnecessary procedural requirements. These changes are an integral part of our efforts to improve patient safety and achieve broad-based improvements in the quality of care furnished through Federal programs, while at the same time reducing procedural burdens on providers.

Timetable:

Action	Date	FR Cite
NPRM	03/10/97	62 FR 11005
NPRM Comment Period End.	06/09/97	
Second NPRM	10/09/14	79 FR 61163
NPRM Comment Period Extended.	12/01/14	79 FR 71081
Second NPRM Comment Period End.	01/07/15	
Final Action	10/00/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Danielle Shearer, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards & Quality, MS: S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6617, *Email: danielle.shearer@cms.hhs.gov*.

RIN: 0938–AG81

286. Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers (CMS–3178–F) (Section 610 Review)

Legal Authority: 42 U.S.C. 1821; 42 U.S.C. 1861ff (3)(B)(i)(ii); 42 U.S.C. 1913(c)(1) et al

Abstract: This rule finalizes emergency preparedness requirements for Medicare and Medicaid participating providers and suppliers to ensure that they adequately plan for both natural and man-made disasters and coordinate with Federal, State, tribal, regional, and local emergency preparedness systems. This rule ensures providers and suppliers are adequately prepared to meet the needs of patients, residents, clients, and participants during disasters and emergency situations.

Timetable:

Action	Date	FR Cite
NPRM	12/27/13	78 FR 79082
NPRM Comment Period Extended.	02/21/14	79 FR 9872
NPRM Comment Period End.	03/31/14	
Final Action	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Graham, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clincial Standards and Quality, Mail Stop S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244–1850, *Phone:* 410 786–8020, *Email: janice.graham@cms.hhs.gov*.

RIN: 0938–AO91

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Completed Actions

287. Medicare Shared Savings Program; Accountable Care Organizations (CMS–1461–F) (Completion of a Section 610 Review)

Legal Authority: Pub. L. 111–148, sec 3022

Abstract: This rule finalizes changes to the Medicare Shared Savings Program (Shared Savings Program), including provisions relating to the payment of Accountable Care Organizations (ACOs) participating in the Shared Savings Program. Under the Shared Savings Program, providers of services and suppliers that participate in an ACO continue to receive traditional Medicare fee for service (FFS) payments under Parts A and B and are eligible for additional payments from the ACO if they meet specified quality and savings requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/08/14	79 FR 72760
NPRM Comment Period End.	02/06/15	
Final Action	06/09/15	80 FR 32691
Final Action Effective.	08/03/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Terri Postma, Medical Officer, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS:C5–15–24, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4169, *Email: terri.postma@cms.hhs.gov*.

RIN: 0938–AS06

288. Electronic Health Record Incentive Program—Stage 3 and Modifications to Meaningful Use in 2015 Through 2017 (CMS–3310–F) (Section 610 Review)

Legal Authority: Pub. L. 111–5, title IV of Division B

Abstract: This final rule specifies the requirements that eligible professionals, eligible hospitals, and critical access hospitals must meet in order to qualify for Medicare and Medicaid electronic health record (EHR) incentive payments and avoid downward payment adjustments under the Medicare EHR Incentive Program. In addition, it changes the Medicare and Medicaid EHR Incentive Programs reporting period in 2015 to a 90-day period aligned with the calendar year. This rule also removes reporting requirements on measures that have become redundant, duplicative, or topped out from the Medicare and Medicaid EHR incentive programs. In addition, this rule establishes the requirements for Stage 3 of the program as optional in 2017 and required for all participants beginning in 2018. The rule continues to encourage the electronic submission of clinical quality measure data, establishes requirements to transition the program to a single stage, and aligns reporting for providers in the Medicare and Medicaid EHR Incentive Programs.

Timetable:

Action	Date	FR Cite
NPRM	03/30/15	80 FR 16732
NPRM Comment Period End.	05/29/15	
Final Action	10/16/15	80 FR 62762
Final Action Effective.	12/12/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elizabeth S. Holland, Technical Advisor, Department of Health and Human Services, Centers for

Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: S2–26–17, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–1309, *Email: elizabeth.holland@cms.hhs.gov*.

RIN: 0938–AS26

289. Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2016 Rates (CMS–1632–FC) (Completion of a Section 610 Review)

Legal Authority: sec 1886(d) of the Social Security Act

Abstract: This annual final rule revises the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This rule implements changes arising from our continuing experience with these systems.

Timetable:

Action	Date	FR Cite
NPRM	04/30/15	80 FR 24323
NPRM Comment Period End.	06/16/15	
Final Action and Interim Final Rule.	08/17/15	80 FR 49325
Interim Final Rule Comment Period End.	09/29/15	
Final Action Effective.	10/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donald Thompson, Deputy Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4–01–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6504, *Email: donald.thompson@cms.hhs.gov*.

RIN: 0938–AS41

290. FY 2016 Inpatient Rehabilitation Facility Prospective Payment System (CMS–1624–F) (Completion of a Section 610 Review)

Legal Authority: Social Security Act, sec 1886(j); Pub. L. 106–554; Pub. L. 106–113

Abstract: This annual final rule updates the prospective payment rates for inpatient rehabilitation facilities (IRFs) for fiscal year 2016.

Timetable:

Action	Date	FR Cite
NPRM	04/27/15	80 FR 23332
NPRM Comment Period End.	06/22/15	
Final Action	08/06/15	80 FR 47035
Final Action Effective.	10/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gwendolyn Johnson, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–06–27, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6954, *Email: gwendolyn.johnson@cms.hhs.gov*.

RIN: 0938–AS45

291. CY 2016 Home Health Prospective Payment System Refinements and Rate Update (CMS–1625–F) (Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395(hh)

Abstract: This annual final rule updates the 60-day national episode rate based on the applicable home health market basket update and case-mix adjustment. It also updates the national per-visit rates used to calculate low utilization payment adjustments (LUPAs) and outlier payments under the Medicare prospective payment system for home health agencies. These changes apply to services furnished during home health episodes beginning on or after January 1, 2016. Additionally, this rule will implement a Home Health value-based purchasing model, beginning January 1, 2016, in which all Medicare-Certified Home Health Agencies in selected states will be required to participate.

Timetable:

Action	Date	FR Cite
NPRM	07/10/15	80 FR 39840
NPRM Comment Period End.	09/04/15	
Final Action	11/05/15	80 FR 68624
Final Rule Effective.	01/01/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary Loeffler, Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5–07–28, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–0456, *Email: hillary.loeffler@cms.hhs.gov*.

RIN: 0938–AS46

292. Electronic Health Record Incentive Program—Modifications to Meaningful Use in 2015 Through 2017 (CMS–3311–F) (Completion of a Section 610 Review)

Legal Authority: 42 U.S.C. 1302 and 1395hh; Pub. L. 111–5

Abstract: This rule would implement changes to the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program EHR reporting requirements. These changes will be finalized in the ''Electronic Health Record Incentive Program—Stage 3 and Modifications to Meaningful Use in 2015 through 2017'' final rule.

Timetable:

Action	Date	FR Cite
NPRM	04/15/15	80 FR 20346
NPRM Comment Period End.	06/15/15	
Merged With 0938–AS26.	07/24/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elizabeth S. Holland, Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: S2–26–17, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–1309, *Email: elizabeth.holland@cms.hhs.gov*.

RIN: 0938–AS58

[FR Doc. 2015–30620 Filed 12–14–15; 8:45 am]

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Part IX

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC–RP–04–001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of current and projected rulemakings, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS's regulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments and inquiries on the agenda to the Regulatory Affairs Law Division, U.S. Department of Homeland Security, Office of the General Counsel, 245 Murray Lane, Mail Stop 0485, Washington, DC 20528–0485.

Specific

Please direct specific comments and inquiries on individual regulatory actions identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sep. 19, 1980) and Executive Order 12866 ''Regulatory Planning and Review'' (Sep. 30, 1993) as incorporated in Executive Order 13563 ''Improving Regulation & Regulatory Review'' (Jan. 18, 2011), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. DHS's last semiannual regulatory agenda was published on June 18, 2015, at 80 FR 35030.

Beginning in fall 2007, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov*.

As part of the Unified Agenda, Federal agencies are also required to prepare a Regulatory Plan of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form in that fiscal year. As in past years, for fall editions of the Unified Agenda, the entire Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act, are printed in the **Federal Register**.

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agenda in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, ''a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities.'' DHS's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act.

Additional information on these entries is available in the Unified Agenda published on the Internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: September 18, 2015.

Christina E. McDonald,

Associate General Counsel for Regulatory Affairs.

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
293	Chemical Facility Anti-Terrorism Standards (CFATS) **(Reg Plan Seq No. 49)**	1601–AA69

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

OFFICE OF THE SECRETARY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
294	Ammonium Nitrate Security Program	1601–AA52

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
295	Requirements for Filing Motions and Administrative Appeals **(Reg Plan Seq No. 53)**	1615–AB98
296	U.S. Citizenship and Immigration Services Fee Schedule	1615–AC09

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. COAST GUARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
297	Updates to Maritime Security	1625–AB38

U.S. COAST GUARD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
298	Inspection of Towing Vessels **(Reg Plan Seq No. 61)**	1625–AB06
299	Transportation Worker Identification Credential (TWIC); Card Reader Requirements **(Reg Plan Seq No. 62)**.	1625–AB21
300	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation	1625–AB85
301	Seafarers' Access to Maritime Facilities	1625–AC15

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. COAST GUARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
302	Discharge Removal Equipment for Vessels Carrying Oil	1625–AA02
303	Numbering of Undocumented Barges	1625–AA14
304	Outer Continental Shelf Activities	1625–AA18

U.S. CUSTOMS AND BORDER PROTECTION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
305	Importer Security Filing and Additional Carrier Requirements **(Section 610 Review)**	1651–AA70
306	Implementation of the Guam-CNMI Visa Waiver Program **(Section 610 Review)**	1651–AA77

TRANSPORTATION SECURITY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
307	Security Training for Surface Mode Employees **(Reg Plan Seq No. 65)**	1652–AA55

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

TRANSPORTATION SECURITY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
308	Passenger Screening Using Advanced Imaging Technology **(Reg Plan Seq No. 66)**	1652–AA67

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

TRANSPORTATION SECURITY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
309	General Aviation Security and Other Aircraft Operator Security	1652–AA53
310	Standardized Vetting, Adjudication, and Redress Services	1652–AA61

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Proposed Rule Stage

293. Chemical Facility Anti-Terrorism Standards (CFATS)

Regulatory Plan: This entry is Seq. No. 49 in part II of this issue of the **Federal Register**.

RIN: 1601–AA69

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Long-Term Actions

294. Ammonium Nitrate Security Program

Legal Authority: Pub. L. 110–161, 2008 Consolidated Appropriations Act, section 563

Abstract: This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled ''Secure Handling of Ammonium Nitrate.'' The amendment requires the Department of Homeland Security to ''regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.''

Timetable:

Action	Date	FR Cite
ANPRM	10/29/08	73 FR 64280
Correction	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	

Action	Date	FR Cite
NPRM	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20528–0610, *Phone:* 703 235–5263, *Fax:* 703 603–4935, *Email: jon.m.maclaren@hq.dhs.gov*.

RIN: 1601–AA52

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Proposed Rule Stage

295. Requirements for Filing Motions and Administrative Appeals

Regulatory Plan: This entry is Seq. No. 53 in part II of this issue of the **Federal Register**.

RIN: 1615–AB98

296. • U.S. Citizenship and Immigration Services Fee Schedule

Legal Authority: 8 U.S.C. 1356(m)

Abstract: This rule will adjust the fee schedule for U.S. Citizenship and Immigration Services (USCIS) immigration and naturalization benefit applications and petitions, including nonimmigrant applications and visa petitions. These fees fund the cost of processing applications and petitions for immigration benefits and services, and USCIS' associated operating costs. USCIS is revising these fees because the current fee schedule does not adequately recover the full costs of services provided by USCIS. Without an adjustment of the fee schedule, USCIS cannot provide adequate capacity to process all applications and petitions in a timely and efficient manner. The fee review is undertaken pursuant to the requirements of the Chief Financial Officers Act of 1990 (CFO Act), 31 U.S.C. 901–03. The CFO Act requires each agency's chief financial officer (CFO) to ''review, on a biennial basis, the fees, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value.'' Id. at 902(a)(8). This rule will reflect recommendations made by the DHS CFO and USCIS CFO, as required under the CFO Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/16	
NPRM Comment Period End.	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph D. Moore, Chief Financial Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Suite 4018, 20 Massachusetts Avenue NW., Washington, DC 20529, *Phone:* 202 272–1701, *Fax:* 202 272–1970, *Email: joseph.moore@uscis.dhs.gov*.

RIN: 1615–AC09

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Proposed Rule Stage

297. Updates to Maritime Security

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191 and 192; E.O. 12656; 33 CFR 1.05–1; 33 CFR 6.04–11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Delegation No 0170.1

Abstract: The Coast Guard proposes certain additions, changes, and amendments to 33 CFR, subchapter H. Subchapter H is comprised of parts 101 through 106. Subchapter H implements the major provisions of the Maritime Transportation Security Act of 2002 (MTSA). This rulemaking is the first major revision to subchapter H. The proposed changes would further the goals of domestic compliance and international cooperation by incorporating requirements from legislation implemented since the original publication of these regulations, such as the Security and Accountability for Every (SAFE) Port Act of 2006, and including international standards such as Standards of Training, Certification & Watchkeeping security training. This rulemaking has international interest because of the close relationship between subchapter H and the International Ship and Port Security Code (ISPS).

Timetable:

Action	Date	FR Cite
NPRM	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Kevin McDonald, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr., Avenue SE., Commandant (CG–FAC–2), STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1168, *Email: kevin.j.mcdonald@uscg.mil*

RIN: 1625–AB38

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Final Rule Stage

298. Inspection of Towing Vessels

Regulatory Plan: This entry is Seq. No. 61 in part II of this issue of the **Federal Register**.

RIN: 1625–AB06

299. Transportation Worker Identification Credential (TWIC); Card Reader Requirements

Regulatory Plan: This entry is Seq. No. 62 in part II of this issue of the **Federal Register**.

RIN: 1625–AB21

300. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation

Legal Authority: Pub. L. 111–281

Abstract: The Coast Guard is implementing those requirements of 2010 and 2012 legislation that pertain to uninspected commercial fishing industry vessels and that took effect upon enactment of the legislation but that, to be implemented, require amendments to Coast Guard regulations affecting those vessels. The applicability of the regulations is being changed, and new requirements are being added to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard's maritime safety mission.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jack Kemerer, Project Manager, CG–CVC–3, Department of Homeland Security, U.S. Coast Guard,

2703 Martin Luther King Jr., Avenue SE., STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1249, *Email: jack.a.kemerer@uscg.mil.*

RIN: 1625–AB85

301. Seafarers' Access to Maritime Facilities

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; Pub. L. 111–281, sec 811

Abstract: This regulatory action will implement section 811 of the Coast Guard Authorization Act of 2010 (Pub. L. 111–281), which requires the owner/operator of a facility regulated by the Coast Guard under the Maritime Transportation Security Act of 2002 (Pub. L. 107–295) (MTSA) to provide a system that enables seafarers and certain other individuals to transit between vessels moored at the facility and the facility gate in a timely manner at no cost to the seafarer or other individual. Ensuring that such access through a facility is consistent with the security requirements in MTSA is part of the Coast Guard's Ports, Waterways, and Coastal Security (PWCS) mission.

Timetable:

Action	Date	FR Cite
NPRM	12/29/14	79 FR 77981
NPRM Comment Period Reopened.	05/27/15	80 FR 30189
NPRM Comment Period End.	07/01/15	
Final Rule	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LT Callan Fless, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–FAC–2), 2703 Martin Luther King Jr., Avenue SE., STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1133, *Email: callan.e.fless@uscg.mil.*

RIN: 1625–AC15

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Long-Term Actions

302. Discharge Removal Equipment for Vessels Carrying Oil

Legal Authority: 33 U.S.C. 1321

Abstract: The Oil Pollution Act of 1990 directed the President by August 18, 1992, to require periodic inspection of discharge-removal equipment to ensure that it is available in an emergency, and to require carriage of discharge removal equipment by vessels operating in the navigable waters of the United States and carrying oil or hazardous substances. This action implemented those provisions. This project supports the Coast Guard's broad role and responsibility of maritime stewardship.

Timetable:

Action	Date	FR Cite
ANPRM	08/30/91	56 FR 43534
ANPRM Comment Period End.	10/16/91	
NPRM	09/29/92	57 FR 44912
NPRM Comment Period Extended.	10/26/92	57 FR 48489
NPRM Comment Period End.	10/29/92	
NPRM Comment Period Extended.	11/16/92	57 FR 48489
Interim Final Rule	12/22/93	58 FR 67988
Interim Final Rule Effective.	01/21/94	
Correction	01/26/94	59 FR 3749
Interim Final Rule Comment Period End.	02/22/94	
Notice	03/27/12	77 FR 18151
Notice Comment Period End.	05/29/12	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David A. Du Pont, Project Manager, CG–REG, Department of Homeland Security, U.S. Coast Guard, Office of Standards Evaluation and Development, 2703 Martin Luther King Jr., Avenue SE., STOP 7418, Washington, DC 20593–7418, *Phone:* 202 372–1497, *Email: david.a.dupont@uscg.mil.*

RIN: 1625–AA02

303. Numbering of Undocumented Barges

Legal Authority: 46 U.S.C. 12301

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system and user fees for an original or renewed Certificate of Number for these barges. The numbering of undocumented barges allows the Coast Guard to identify the owners of abandoned barges. This rulemaking supports the Coast Guard's broad role and responsibility of protecting natural resources.

Timetable:

Action	Date	FR Cite
Request for Comments.	10/18/94	59 FR 52646
Comment Period End.	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End.	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End.	04/11/01	
NPRM Reopening of Comment Period.	08/12/04	69 FR 49844
NPRM Reopening Comment Period End.	11/10/04	
Supplemental NPRM.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Denise Harmon, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419, *Phone:* 304 271–2506, *Email: denise.e.harmon@uscg.mil.*

RIN: 1625–AA14

304. Outer Continental Shelf Activities

Legal Authority: 43 U.S.C. 1333(d)(1); 43 U.S.C. 1348(c); 43 U.S.C. 1356; DHS Delegation No 0170.1

Abstract: The Coast Guard is the lead Federal agency for workplace safety and health on facilities and vessels engaged in the exploration for, or development, or production of, minerals on the Outer Continental Shelf (OCS), other than for matters generally related to drilling and production that are regulated by the Bureau of Safety and Environmental Enforcement (BSEE). This project would revise the regulations on OCS activities by: (1) Adding new requirements, for OCS units for lifesaving, fire protection, training, and helidecks; (2) providing for USCG acceptance and approval of specified classification society plan reviews, inspections, audits, and surveys; and (3) requiring foreign vessels engaged in OCS activities to comply with rules similar to those imposed on U.S. vessels similarly engaged. This project would affect the owners and operators of facilities and vessels engaged in offshore activities.

Timetable:

Action	Date	FR Cite
Request for Comments.	06/27/95	60 FR 33185
Comment Period End.	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671

Action	Date	FR Cite
NPRM Comment Period Extended.	03/16/00	65 FR 14226
NPRM Comment Period Extended.	06/30/00	65 FR 40559
NPRM Comment Period End.	11/30/00	
Supplemental NPRM.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Rawson, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–ENG–2), 2703 Martin Luther King Jr., Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1390, *Email: charles.e.rawson@uscg.mil.*

RIN: 1625–AA18

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Final Rule Stage

305. Importer Security Filing and Additional Carrier Requirements (Section 610 Review)

Legal Authority: Pub. L. 109–347, sec 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 to 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

Abstract: This final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. On November 25, 2008, Customs and Border Protection (CBP) published an interim final rule (CBP Dec. 08–46) in the **Federal Register** (73 FR 71730), that finalized most of the provisions proposed in the NPRM. It requires carrier and importers to provide to CBP, via a CBP approved electronic data interchange system, certain advance information pertaining to cargo brought into the United States by vessel to enable CBP to identify high-risk shipments to prevent smuggling and ensure cargo safety and security. The interim final rule did not finalize six data elements that were identified as areas of potential concern for industry during the rulemaking process and, for which, CBP provided some type of flexibility for compliance with those data elements. CBP solicited public comment on these six data elements, is conducting a structured review, and also invited comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. [See 73 FR 71782–85 for regulatory text and 73 CFR 71733–34 for general discussion.] The remaining requirements of the rule were adopted as final. CBP plans to issue a final rule after CBP completes a structured review of the flexibilities and analyzes the comments.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End.	03/03/08	
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period End.	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective.	01/26/09	
Interim Final Rule Comment Period End.	06/01/09	
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Craig Clark, Program Manager, Vessel Manifest & Importer Security Filing, Office of Cargo and Conveyance Security, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–3052, *Email: craig.clark@cbp.dhs.gov.*

RIN: 1651–AA70

306. Implementation of the Guam-CNMI VISA Waiver Program (Section 610 Review)

Legal Authority: Pub. L. 110–229, sec 702

Abstract: The IFR (or the final rule planned for the coming year) rule amends Department of Homeland Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program. Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA), subject to a transition period, extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department of Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the **Federal Register** replacing the then-existing Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As of November 28, 2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period of authorized stay not to exceed 45 days. This rulemaking would finalize the January 2009 interim final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/09	74 FR 2824
Interim Final Rule Effective.	01/16/09	
Interim Final Rule Comment Period End.	03/17/09	
Technical Amendment; Change of Implementation Date.	05/28/09	74 FR 25387
Final Action	08/00/16	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Stephanie Watson, Supervisory Program Manager, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., 2.5B–38, Washington, DC 20229, *Phone:* 202 325–4548, *Email: stephanie.e.watson@cbp.dhs.gov.*

RIN: 1651–AA77

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Proposed Rule Stage

307. Security Training for Surface Mode Employees

Regulatory Plan: This entry is Seq. No. 65 in part II of this issue of the **Federal Register**.

RIN: 1652–AA55

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Final Rule Stage

308. Passenger Screening Using Advanced Imaging Technology

Regulatory Plan: This entry is Seq. No. 66 in part II of this issue of the **Federal Register**.

RIN: 1652–AA67

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Long-Term Actions

309. General Aviation Security and Other Aircraft Operator Security

Legal Authority: 6 U.S.C. 469; 18 U.S.C. 842; 18 U.S.C. 845; 46 U.S.C. 70102 to 70106; 46 U.S.C. 70117; 49 U.S.C. 114; 49 U.S.C. 114(f)(3); 49 U.S.C. 5103; 49 U.S.C. 5103a; 49 U.S.C. 40113; 49 U.S.C. 44901 to 44907; 49 U.S.C. 44913 to 44914; 49 U.S.C. 44916 to 44918; 49 U.S.C. 44932; 49 U.S.C. 44935 to 44936; 49 U.S.C. 44942; 49 U.S.C. 46105

Abstract: On October 30, 2008, the Transportation Security Administration (TSA) issued a notice of proposed rulemaking (NPRM), proposing to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements, and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA also proposed that all aircraft operations, including corporate and private charter operations, with aircraft having a maximum certificated takeoff weight (MTOW) above 12,500 pounds (large aircraft) be required to adopt a large aircraft security program. TSA also proposed to require certain airports that serve large aircraft to adopt security programs. After considering comments received on the NPRM and sponsoring public meetings with stakeholders, TSA decided to revise the original proposal to tailor security requirements to the general aviation community. TSA is preparing a supplemental NPRM (SNPRM), which will include a comment period for public comments. TSA is considering the following proposed provisions in the SNPRM: (1) Security measures for foreign aircraft operators commensurate with measures for U.S. operators, (2) the type of aircraft subject to TSA regulation, (3) compliance oversight, (4) watch list matching of passengers, (5) scope of the background check requirements and the procedures used to implement the requirement, and (6) other issues.

Timetable:

Action	Date	FR Cite
NPRM	10/30/08	73 FR 64790
NPRM Comment Period End.	12/29/08	
Notice—NPRM Comment Period Extended.	11/25/08	73 FR 71590
NPRM Extended Comment Period End.	02/27/09	
Notice—Public Meetings; Requests for Comments.	12/18/08	73 FR 77045
Supplemental NPRM.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Paterno, Section Chief, Policy Analysis Branch, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–5698, *Email: alan.paterno@tsa.dhs.gov*.

Monica Grasso Ph.D., Manager, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–3329, *Email: monica.grasso@tsa.dhs.gov*.

Denise Daniels, Attorney–Advisor, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3443, *Fax:* 571 227–1381, *Email: denise.daniels@tsa.dhs.gov*.

RIN: 1652–AA53

310. Standardized Vetting, Adjudication, and Redress Services

Legal Authority: 49 U.S.C. 114, 5103A, 44903 and 44936; 46 U.S.C. 70105; 6 U.S.C. 469; Pub. L. 110–53, secs 1411, 1414, 1520, 1522 and 1531

Abstract: The Transportation Security Administration (TSA) intends to propose new regulations to revise and standardize the procedures, adjudication criteria, and fees for most of the security threat assessments (STA) of individuals for which TSA is responsible. The scope of the rulemaking will include transportation workers who are required to undergo an STA, including surface, maritime, and aviation workers. TSA will comply with certain vetting-related requirements of the Implementing Recommendations of the 9/11 Commission Act, Pub. L. 110–53 (Aug.3, 2007). TSA will propose fees to cover the cost of all STAs. TSA plans to improve the processing of STAs and streamline existing regulations by simplifying language and removing redundancies. TSA will propose revisions to the Alien Flight Student Program (AFSP) regulations. TSA published an interim final rule for AFSP on September 20, 2004. TSA regulations require aliens seeking to train at Federal Aviation Administration-regulated flight schools to complete an application and undergo an STA prior to beginning flight training. There are four categories under which students currently fall; the nature of the STA depends on the student's category. TSA is considering changes to the AFSP that would improve the equity among fee payers and enable the implementation of new technologies to support vetting.

Timetable:

Action	Date	FR Cite
NPRM	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chang Ellison, Branch Manager, Program Initiatives Branch, Department of Homeland Security, Transportation Security Administration, Office of Intelligence and Analysis, TSA–10, HQ E6, 601 South 12th Street, Arlington, VA 20598–6010, *Phone:* 571 227–3604, *Email: chang.ellison@tsa.dhs.gov*.

Monica Grasso Ph.D., Manager, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security

Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–3329, *Email: monica.grasso@tsa.dhs.gov*.

John Vergelli, Senior Counsel, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–4416, *Fax:* 571 227–1378, *Email: john.vergelli@tsa.dhs.gov*.

RIN: 1652–AA61

[FR Doc. 2015–30621 Filed 12–14–15; 8:45 am]

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FEDERAL REGISTER

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Part X

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. FR–5852–N–02]

Semiannual Regulatory Agenda

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual regulatory agenda.

SUMMARY: In accordance with section 4(b) of Executive Order 12866, ''Regulatory Planning and Review,'' as amended, HUD is publishing its agenda of regulations already issued or that are expected to be issued during the next several months. The agenda also includes rules currently in effect that are under review and describes those regulations that may affect small entities, as required by section 602 of the Regulatory Flexibility Act. The purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with advance information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General Counsel for Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500; telephone number 202–708–3055. (This is not a toll-free number.) A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at 800–877–8339 (Federal Relay Service).

SUPPLEMENTARY INFORMATION: Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735), as amended, requires each department or agency to prepare semiannually an agenda of: (1) Regulations that the department or agency has issued or expects to issue, and; (2) rules currently in effect that are under departmental or agency review. The Regulatory Flexibility Act (5 U.S.C. 601–612) requires each department or agency to publish semiannually a regulatory agenda of rules expected to be proposed or promulgated that are likely to have a significant economic impact on a substantial number of ''small entities,'' meaning small businesses, small organizations, or small governmental jurisdictions. Executive Order 12866 and the Regulatory Flexibility Act permit incorporation of the agenda required by these two authorities with any other prescribed agenda.

HUD's regulatory agenda combines the information required by Executive Order 12866 and the Regulatory Flexibility Act. As in the past, HUD's complete Unified Agenda will be available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database. While publication in the **Federal Register** is mandated for the regulatory flexibility agendas by the Regulatory Flexibility Act (5 U.S.C. 602), the Department notes that its Fall 2015 Unified Agenda does not list any rules expected to be proposed or promulgated that are likely to have a significant economic impact on a substantial number of ''small entities.''

The Department is subject to certain rulemaking requirements set forth in the Department of Housing and Urban Development Act (42 U.S.C. 3531 *et seq.*). Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight of HUD (the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Financial Services), a semiannual agenda of all rules or regulations that are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days after transmittal of the agenda. Section 7(o) provides that if, within that period, either committee notifies the Secretary that it intends to review any rule or regulation that appears on the agenda, the Secretary must submit to both committees a copy of the rule or regulation, in the form that it is intended to be proposed, at least 15 calendar days before it is to be published for comment. The semiannual agenda posted on *www.reginfo.gov* is the agenda transmitted to the committees in compliance with the above requirements.

HUD has attempted to list in this agenda all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently omitted, or may have arisen too late to be included in the published agenda. There is no legal significance to the omission of an item from this agenda. Also, where a date is provided for the next rulemaking action, the date is an estimate and is not a commitment to act on or by the date shown.

In some cases, HUD has withdrawn rules that were placed on previous agendas for which there has been no publication activity. Withdrawal of a rule does not necessarily mean that HUD will not proceed with the rulemaking. Withdrawal allows HUD to assess the subject matter further and determine whether rulemaking in that area is appropriate. Following such an assessment, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate. If that determination is made, such rules will be included in a succeeding semiannual agenda.

In addition, for a few rules that have been published as proposed or interim rules and which, therefore, require further rulemaking, HUD has identified the timing of the next action stage as ''undetermined.'' These are rules that are still under review by HUD for which a determination and timing of the next action stage have not yet been made.

Since the purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about the Department's future regulatory actions, HUD invites all interested members of the public to comment on the rules listed in the agenda.

Dated: September 30, 2015.

Tonya Robinson,

Principal Deputy General Counsel.

Sequence No.	Title	Regulation Identifier No.
311	24 CFR 3280 Manufactured Home Construction and Safety Standards (FR–5739)	2502–AJ34

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Proposed Rule Stage

311. • Manufactured Home Construction and Safety Standards (FR–5739)

Legal Authority: 42 U.S.C. 5401 *et seq.;* 42 U.S.C. 3535(d)

Abstract: This proposed rule would amend the Federal Manufactured Home Construction and Safety Standards by adopting certain recommendations made to HUD by the Manufactured Housing Consensus Committee (MHCC). The National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act) requires HUD to publish all proposed revised construction and safety standards submitted by the MHCC. This proposed rule is based on the third set of MHCC recommendations to update and improve various aspects of the Manufactured Housing Construction and Safety Standards. HUD has reviewed those proposals and has made several editorial revisions to the proposals which were reviewed and accepted by the MHCC. This rule proposes to add new standards that would establish requirements for carbon monoxide detection, stairways, fire safety considerations for attached garages, and for draftstops when there is a usable space above and below the concealed space of a floor/ceiling assembly and would establish requirements for venting systems to ensure that proper separation is maintained between the air intake and exhaust systems.

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard Mendlen, Structural Engineer, Office of Manufactured Housing Programs, Office of Housing, Department of Housing and Urban Development, Office of Housing, 451 7th Street SW., Washington, DC 20410, *Phone:* 202 708–6423.

RIN: 2502–AJ34

[FR Doc. 2015–30681 Filed 12–14–15; 8:45 am]

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Part XI

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

[XXXD4523WS DS6CS00000 DWS000000.000000 DP.6CS05 241A0]

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between fall 2015 and fall 2016. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: You should direct all comments and inquiries about these rules to the appropriate agency contact. You should direct general comments relating to the agenda to the Office of Executive Secretariat, Department of the Interior, at the address above or at 202–208–3181.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects.

This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. The Department's Statement of Regulatory Priorities is included in the Plan.

Mark Lawyer,

Federal Register Liaison Officer.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
312	Cost Recovery Adjustment	1014–AA31

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
313	Production Safety Systems and Lifecycle Analysis	1014–AA10
314	Blowout Prevention Systems and Well Control	1014–AA11

UNITED STATES FISH AND WILDLIFE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
315	National Wildlife Refuge System; Oil and Gas Regulations	1018–AX36
316	Migratory Bird Permits; Incidental Take of Migratory Birds; Notice of Intent to Prepare an Environmental Impact Statement; Request for Comments.	1018–BA69

NATIONAL PARK SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
317	Non-Federal Oil and Gas Rights	1024–AD78

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
318	Stream Protection Rule	1029–AC63

BUREAU OF LAND MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
319	Venting and Flaring: Waste Prevention and Use of Produced Oil and Gas for Beneficial Purposes	1004–AE14

BUREAU OF LAND MANAGEMENT—PROPOSED RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
320	Onshore Oil and Gas Order 4: Oil Measurement	1004–AE16

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Proposed Rule Stage

312. • Cost Recovery Adjustment

Legal Authority: 31 U.S.C. 9701

Abstract: This rule would update 31 cost recovery fees to allow the Bureau of Safety and Environmental Enforcement to recover the full costs of the services it provides to the oil and gas industry. It complies with the Independent Office Appropriations Act of 1952 which established that government services should be self-sustaining to the extent possible. Rulemaking is the only method available to update these fees and comply with the intent of Congress to recover government costs when a special benefit is bestowed on an identifiable recipient. The practice of cost recovery is well-established and this rulemaking is not expected to be controversial.

Timetable:

Action	Date	FR Cite
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kimberly Monaco, Department of the Interior, Bureau of Safety and Environmental Enforcement, 1849 C Street NW., Washington, DC 20240, *Phone:* 703 787–1658.

RIN: 1014–AA31

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Final Rule Stage

313. Production Safety Systems and Lifecycle Analysis

Legal Authority: 31 U.S.C. 9701; 43 U.S.C. 1334

Abstract: The Bureau of Safety and Environmental Enforcement (BSEE) will amend and update the regulations regarding offshore oil and natural gas production. It will address issues such as production safety systems, subsurface safety devices, and safety device testing. BSEE has expanded the rule to differentiate the requirements for operating dry tree and wet tree production systems on the Outer Continental Shelf (OCS). This rule will also expand use of life cycle analysis of critical equipment.

Timetable:

Action	Date	FR Cite
NPRM	08/22/13	78 FR 52240
NPRM Comment Period End.	12/05/13	
Final Action	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lakeisha Harrison, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1552, *Fax:* 703 787–1555, *Email: lakeisha.harrison@bsee.gov.*

RIN: 1014–AA10

314. Blowout Prevention Systems and Well Control

Legal Authority: 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334

Abstract: The Bureau of Safety and Environmental Enforcement (BSEE) will amend and update regulations regarding offshore oil and natural gas production. This final rule will upgrade regulations related to the design, manufacture, and repair of blowout preventers (BOPs) in response to numerous recommendations. In addition to BOPs, the final rule will addresse well design, well control, safe drilling margins, casing, cementing, real-time monitoring, and subsea containment. The final rule will address many of the issues raised following the Deepwater Horizon incident and from experts through a public forum held May 22, 2012.

Timetable:

Action	Date	FR Cite
NPRM	04/17/15	80 FR 21504
NPRM Comment Period Extended.	06/03/15	80 FR 31560
NPRM Comment Period End.	06/16/15	
NPRM Comment Period Extended End.	07/16/15	
Final Action	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lakeisha Harrison, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1552, *Fax:* 703 787–1555, *Email: lakeisha.harrison@bsee.gov.*

RIN: 1014–AA11

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

315. National Wildlife Refuge System; Oil and Gas Regulations

Legal Authority: 16 U.S.C. 668dd to ee; 42 U.S.C. 7401 *et seq.;* 16 U.S.C. 1131 to 1136; 40 CFR 51.300 to 51.309

Abstract: We propose regulations that ensure that all operators conducting oil or gas operations within a National Wildlife Refuge System unit do so in a manner that prevents or minimizes damage to National Wildlife Refuge System resources, visitor values, and management objectives. We do not intend these regulations to result in a taking of a property interest, but rather to impose reasonable controls on operations that affect federally owned or controlled lands, and/or waters.

Timetable:

Action	Date	FR Cite
ANPRM	02/24/14	79 FR 10080
ANPRM Comment Period End.	04/25/14	
ANPRM Comment Period Re-opened.	06/09/14	79 FR 32903
ANPRM Comment Period Reopening End.	07/09/14	
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Salem, Conservation Policy Analyst, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: NWRS, Falls Church, VA 22041–3808, *Phone:* 703 358–2397, *Email: brian_salem@fws.gov.*

Scott Covington, Refuge Energy Program Coordinator, Department of the Interior, United States Fish and Wildlife Service, National Wildlife Refuge System, 5275 Leesburg Pike, MS:NWRS, Falls Church, VA 22041–3808, *Phone:* 703 358–2427, *Email: scott_covington@fws.gov.*

RIN: 1018–AX36

316. Migratory Bird Permits; Incidental Take of Migratory Birds; Notice of Intent To Prepare an Environmental Impact Statement; Request for Comments

Legal Authority: 16 U.S.C. 703 712; 42 U.S.C. 4321 *et seq.*

Abstract: We intend to prepare a programmatic environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347; NEPA) to evaluate the potential environmental impacts of a proposal to authorize incidental take of migratory birds under the Migratory Bird Treaty Act (16 U.S.C. 703–711) and to conduct public scoping meetings. We invite input from other Federal and State agencies, tribes, nongovernmental organizations, and members of the public on the scope of the proposed NEPA analysis, the pertinent issues we should address, and alternatives to our proposed approach for authorizing incidental take. We will hold public scoping open house meetings.

Timetable:

Action	Date	FR Cite
Notice	05/26/15	80 FR 30032
Comment Period End.	07/27/15	
NPRM; NOA for DEIS.	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charisa Morris, Chief, Branch of Bird Conservation, Division of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041–3803, *Phone:* 703 358–2558, *Fax:* 703 358–2217, *Email: charisa_morris@fws.gov.*

RIN: 1018–BA69

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Proposed Rule Stage

317. Non-Federal Oil and Gas Rights

Legal Authority: 54 U.S.C. 100101; 54 U.S.C. 100301; 54 U.S.C. 100302; 54 U.S.C. 100731; 54 U.S.C. 100732

Abstract: This rule would update National Park Service (NPS) regulations governing the exercise of non-Federal oil and gas rights within NPS unit boundaries. It would accommodate new technology and industry practices, eliminate regulatory exemptions, update requirements, remove caps on bond amounts, and allow NPS to recover administrative costs. The changes make the regulations more effective and efficient and maintain the highest level of protection compatible with park resources and values.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/09	74 FR 61596
ANPRM Comment Period End.	01/25/10	
NPRM	10/26/15	80 FR 65571
NPRM Comment Period End.	12/28/15	
Final Action	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ed Kassman, Regulatory Specialist, Department of the Interior, National Park Service, 12795 West Alameda Parkway, Lakewood, CA 80225, *Phone:* 303 969–2146, *Email: edward_kassman@nps.gov.*

RIN: 1024–AD78

BILLING CODE 4310–EJ–P

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Final Rule Stage

318. Stream Protection Rule

Legal Authority: 30 U.S.C. 1201 *et seq.*

Abstract: On August 12, 2009, the U.S. District Court for the District of Columbia denied the Government's request that the court vacate and remand the Excess Spoil/Stream Buffer Zone rule published on December 12, 2008. Therefore, the Department intends to initiate notice and comment rulemaking to address issues arising from previous rulemakings. The Agency also intends to prepare a new environmental impact statement.

Timetable:

Action	Date	FR Cite
ANPRM	11/30/09	74 FR 62664
ANPRM Comment Period End.	12/30/09	
NPRM	07/27/15	80 FR 44436
NPRM Comment Period Extended.	09/10/15	80 FR 54590
NPRM Comment Period End.	10/26/15	
Final Action	08/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dennis Rice, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, *Phone:* 202 208–2829, *Email: drice@osmre.gov.*

RIN: 1029–AC63

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Land Management (BLM)

Proposed Rule Stage

319. Venting and Flaring: Waste Prevention and Use of Produced Oil and Gas for Beneficial Purposes

Legal Authority: 25 U.S.C. 396d; 25 U.S.C. 2107; 30 U.S.C. 189; 30 U.S.C. 306; 30 U.S.C. 359; 30 U.S.C. 1751; 43 U.S.C. 1732(b); 43 U.S.C. 1733; 43 U.S.C. 1740

Abstract: The rule would update decades-old standards to reduce wasteful venting, flaring, and leaks of natural gas from onshore wells located on Federal and Indian oil and gas leases. The proposed standards would establish requirements and incentives to reduce waste of gas and clarify when royalties apply to lost gas. This action will enhance our energy security and economy by boosting America's natural gas supplies, ensuring that taxpayers receive the royalties due to them from development of public resources, and reducing emissions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/15	
Final Action	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven Wells, Division Chief, Fluid Minerals Division, Department of the Interior, Bureau of Land Management, Room 2134 LM, 20 M Street SE., Washington, DC 20003, *Phone:* 202 912–7143, *Fax:* 202 912–7194, *Email: s1wells@blm.gov.*

RIN: 1004–AE14

320. Onshore Oil and Gas Order 4: Oil Measurement

Legal Authority: 25 U.S.C. 396(d); 25 U.S.C. 2107; 30 U.S.C. 189; 30 U.S.C. 306; 30 U.S.C. 359; 30 U.S.C. 1751; 43 U.S.C. 1732(b); 43 U.S.C. 1733; 43 U.S.C. 1740

Abstract: Onshore Order 4 establishes minimum standards to ensure liquid hydrocarbons are accurately measured and reported. This Order was last updated in 1989, and since then changes in technology have allowed for more accurate fluid measurement. This order will incorporate current industry standards and allow for the use of new technology.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	
Final Action	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven Wells, Division Chief, Fluid Minerals Division, Department of the Interior, Bureau of Land Management, Room 2134 LM, 20 M Street SE., Washington, DC 20003, *Phone:* 202 912–7143, *Fax:* 202 912–7194, *Email: s1wells@blm.gov.*

RIN: 1004–AE16

[FR Doc. 2015–30623 Filed 12–14–15; 8:45 am]

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FEDERAL REGISTER

Vol. 80 Tuesday,
No. 240 December 15, 2015

Part XII

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I, V

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its fall 2015 regulatory agenda pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514–8059.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda. The Department of Justice's Statement of Regulatory Priorities is included in the Plan.

Beginning with the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice's printed agenda entries include only:

Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Department of Justice's regulatory plan.

Dated: September 18, 2015.

Elana Tyrangiel,

Principal Deputy Assistant Attorney General, Office of Legal Policy.

CIVIL RIGHTS DIVISION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
321	Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Governments **(Reg Plan Seq No. 71)**.	1190–AA65

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

CIVIL RIGHTS DIVISION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
322	Nondiscrimination on the Basis of Disability; Movie Captioning and Audio Description **(Reg Plan Seq No. 74)**.	1190–AA63

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

DEPARTMENT OF JUSTICE (DOJ)

Civil Rights Division (CRT)

Proposed Rule Stage

321. Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Governments

Regulatory Plan: This entry is Seq. No. 71 in part II of this issue of the **Federal Register**.

RIN: 1190–AA65

DEPARTMENT OF JUSTICE (DOJ)

Civil Rights Division (CRT)

Final Rule Stage

322. Nondiscrimination on the Basis of Disability; Movie Captioning and Audio Description

Regulatory Plan: This entry is Seq. No. 74 in part II of this issue of the **Federal Register**.

RIN: 1190–AA63

[FR Doc. 2015–30625 Filed 12–14–15; 8:45 am]

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FEDERAL REGISTER

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Part XIII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor

ACTION: Semiannual regulatory agenda.

SUMMARY: The Internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register** Notice contains the regulatory flexibility agenda.

FOR FURTHER INFORMATION CONTACT: Kathleen Franks, Director, Office of Regulatory Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–2312, Washington, DC 20210; (202) 693–5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at *www.reginfo.gov*.

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. There is only one item on the Department of Labor's Regulatory Flexibility Agenda:

Occupational Safety and Health Administration

Bloodborne Pathogens (RIN 1218–AC34)

In addition, the Department's Regulatory Plan, also a subset of the Department's regulatory agenda, is being published in the **Federal Register**. The Regulatory Plan contains a statement of the Department's regulatory priorities and the regulatory actions the Department wants to highlight as its most important and significant.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

Thomas E. Perez,

Secretary of Labor.

WAGE AND HOUR DIVISION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
323	Establishing Paid Sick Leave for Contractors, Executive Order 13706 **(Reg Plan Seq No. 77)**	1235–AA13

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

WAGE AND HOUR DIVISION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
324	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees **(Reg Plan Seq No. 78)**.	1235–AA11

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

EMPLOYMENT AND TRAINING ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
325	Workforce Innovation and Opportunity Act **(Reg Plan Seq No. 79)**	1205–AB73
326	Workforce Innovation and Opportunity Act; Joint Rule with U.S. Department of Education for Combined and Unified State Plans, Performance Accountability, and the One-Stop System Joint Provisions.	1205–AB74
327	Modernizing the Permanent Labor Certification Program (PERM)	1205–AB75

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

EMPLOYMENT AND TRAINING ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
328	Temporary Agricultural Employment of H–2A Foreign Workers in the Herding or Production of Livestock on the Range in the United States.	1205–AB70

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
329	Bloodborne Pathogens **(Section 610 Review)**	1218–AC34
330	Combustible Dust	1218–AC41
331	Preventing Backover Injuries and Fatalities	1218–AC51

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
332	Occupational Exposure to Beryllium	1218–AB76

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
333	Occupational Exposure to Crystalline Silica **(Reg Plan Seq No. 84)**	1218–AB70

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
334	Infectious Diseases	1218–AC46
335	Injury and Illness Prevention Program	1218–AC48

DEPARTMENT OF LABOR (DOL)

Wage and Hour Division (WHD)

Proposed Rule Stage

323. • Establishing Paid Sick Leave for Contractors, Executive Order 13706

Regulatory Plan: This entry is Seq. No. 77 in part II of this issue of the **Federal Register**.

RIN: 1235–AA13

DEPARTMENT OF LABOR (DOL)

Wage and Hour Division (WHD)

Final Rule Stage

324. Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees

Regulatory Plan: This entry is Seq. No. 78 in part II of this issue of the **Federal Register**.

RIN: 1235–AA11

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Proposed Rule Stage

325. Workforce Innovation and Opportunity Act

Regulatory Plan: This entry is Seq. No. 79 in part II of this issue of the **Federal Register**.

RIN: 1205–AB73

326. Workforce Innovation and Opportunity Act; Joint Rule With U.S. Department of Education for Combined and Unified State Plans, Performance Accountability, and the One-Stop System Joint Provisions

Legal Authority: Section 503(f) of the Workforce Innovation and Opportunity Act (Pub. L. 113–128)

Abstract: On July 22, 2014, the President signed the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113–128) which repeals the Workforce Investment Act of 1998 (WIA). (29 U.S.C. 2801 *et seq.*) As directed by WIOA, the Departments of Education and Labor issued a Notice of Proposed Rulemaking (NPRM) on April 16, 2015 to implement the changes in regulations that WIOA makes to the public workforce system regarding Combined and Unified State Plans, performance accountability for WIOA title I, title II, title III, and title IV programs, and the one-stop delivery system.

All of the other regulations implementing WIOA were published by the Departments of Labor and Education in separate NPRMs. The Departments are analyzing the comments received and developing a final rule.

Timetable:

Action	Date	FR Cite
NPRM	04/16/15	80 FR 20574
NPRM Comment Period End.	06/15/15	
Analyze Comments.	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Portia Wu, Assistant Secretary for Employment and Training, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., FP Building, Washington, DC 20210, *Phone:* 202 639–2700.

RIN: 1205–AB74

327. Modernizing the Permanent Labor Certification Program (PERM)

Legal Authority: 8 U.S.C. 1152(a)(5)(A)

Abstract: The PERM regulations govern the labor certification process for employers seeking to employ foreign

workers permanently in the United States. The Department of Labor (Department) has not comprehensively examined and modified the permanent labor certification requirements and process since 2004. Over the last ten years, much has changed in our country's economy, affecting employers' demand for workers and the availability of a qualified domestic labor force. Advances in technology and information dissemination have dramatically altered common industry recruitment practices, and the Department has received ongoing feedback that the existing regulatory requirements governing the PERM process frequently do not align with worker or industry needs and practices. Therefore, the Department is engaging in rulemaking that will consider options to modernize the PERM program to be more responsive to changes in the national workforce, to further align the program design with the objectives of the U.S. immigration system and needs of workers and employers, and to enhance the integrity of the labor certification process.

Timetable:

Action	Date	FR Cite
NPRM	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William W. Thompson II, Acting Administrator, Office of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., FP Building, Rm. C–4312, Washington, DC 20210, *Phone:* 202 693–3010.

RIN: 1205–AB75

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Completed Actions

328. Temporary Agricultural Employment of H–2A Foreign Workers in the Herding or Production of Livestock on the Range in the United States

Legal Authority: 8 U.S.C. 1188

Abstract: Office of Foreign Labor Certification of the Employment and Training Administration (ETA) has established special procedures for certain occupations, including long-established variances for sheepherding, goat herding, and occupations involving the open range production of livestock. The wage-setting methodology and other employment standards for these occupations have been set in the past by sub-regulatory guidance. ETA is engaging in this regulatory action to establish standards for wages and working conditions in these occupations based on input from the regulated community.

Timetable:

Action	Date	FR Cite
NPRM	04/15/15	80 FR 20300
NPRM Comment Period End.	05/15/15	
NPRM Comment Period Extended.	05/05/15	80 FR 25633
NPRM Comment Period Extended End.	06/01/15	
Final Rule	10/15/15	80 FR 62957
Final Rule Effective.	11/16/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Banos, Department of Labor, Employment and Training Administration, Division of Policy, Office of Foreign Labor Certification, 200 Constitution Avenue NW., Room C–4312, FP Building, Washington, DC 20210, *Phone:* 202 693–3010, *Email: banos.janet@dol.gov*.

RIN: 1205–AB70

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Prerule Stage

329. Bloodborne Pathogens (Section 610 Review)

Legal Authority: 5 U.S.C. 533; 5 U.S.C. 610; 29 U.S.C. 655(b)

Abstract: OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.

Timetable:

Action	Date	FR Cite
Begin Review	10/22/09	
Request for Comments Published.	05/14/10	75 FR 27237
Comment Period End.	08/12/10	
End Review and Issue Findings.	12/00/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Amanda Edens, Director, Directorate of Technical Support and Emergency Management, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3653, Washington, DC 20210, *Phone:* 202 693–2300, *Fax:* 202 693–1644, *Email: edens.mandy@dol.gov*.

RIN: 1218–AC34

330. Combustible Dust

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: Occupational Safety and Health Administration (OSHA) has commenced rulemaking to develop a combustible dust standard for general industry. The U.S. Chemical Safety Board (CSB) completed a study of combustible dust hazards in late 2006, which identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured another 718. Based on these findings, the CSB recommended the Agency pursue a rulemaking on this issue. OSHA has previously addressed aspects of this risk. For example, on July 31, 2005, OSHA published the Safety and Health Information Bulletin, ''Combustible Dust in Industry: Preventing and Mitigating the Effects of Fire and Explosions.'' Additionally, OSHA implemented a Combustible Dust National Emphasis Program (NEP) on March 11, 2008, launched a new Web page, and issued several other guidance documents. However, the Agency does not have a comprehensive standard that addresses combustible dust hazards. OSHA will use the information gathered from the NEP to assist in the development of this rule. OSHA published an ANPRM October 21, 2009. Additionally, stakeholder meetings were held in Washington, DC, on December 14, 2009, in Atlanta, GA, on February 17, 2010, and in Chicago, IL, on April 21, 2010. A webchat for combustible dust was also held on June 28, 2010, and an expert forum was convened on May 13, 2011.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/09	74 FR 54333
Stakeholder Meetings.	12/14/09	

Action	Date	FR Cite
ANPRM Comment Period End.	01/19/10	
Stakeholder Meetings.	02/17/10	
Stakeholders Meetings.	03/09/10	75 FR 10739
Initiate SBREFA ..	08/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, FP Building, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AC41

331. Preventing Backover Injuries and Fatalities

Legal Authority: 29 U.S.C. 655(b)

Abstract: OSHA published a Request for Information (RFI) (77 FR 18973; March 29, 2012) that sought information on two subjects: (1) Preventing backover injuries; and (2) the hazards and risks of reinforcing concrete operations in construction, including post-tensioning. Backing vehicles and equipment are common causes of struck-by injuries and can also cause caught-between injuries when backing vehicles and equipment pin a worker against an object. Struck-by injuries and caught-between injuries are two of the four leading causes of workplace fatalities. The Bureau of Labor Statistics reports that in 2011, 75 workers were fatally backed over while working. While many backing incidents can prove to be fatal, workers can suffer severe, non-fatal injuries as well. A review of OSHA's Integrated Management Information System (IMIS) database found that backing incidents can result in serious injury to the back and pelvis, fractured bones, concussions, amputations, and other injuries. Emerging technologies in the field of backing operations may prevent incidents. The technologies include cameras and proximity detection systems. The use of spotters and internal traffic control plans can also make backing operations safer. The Agency has held stakeholder meetings on backovers, and is conducting site visits to employers.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	03/29/12	77 FR 18973
RFI Comment Period End.	07/27/12	
Initiate SBREFA ..	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jim Maddux, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, Room N–3468, FP Building, 200 Constitution Avenue NW., Washington, DC 20210, *Phone:* 202 693–2020, *Fax:* 202 693–1689, *Email: maddux.jim@dol.gov*.

RIN: 1218–AC51

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

332. Occupational Exposure to Beryllium

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard for permissible exposure limit (PEL) to beryllium by the United Steel Workers (formerly the Paper Allied-Industrial, Chemical, and Energy Workers Union), Public Citizen Health Research Group, and others. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage. On November 26, 2002, OSHA published a Request for Information (RFI) (67 FR 70707) to solicit information pertinent to occupational exposure to beryllium, including: Current exposures to beryllium; the relationship between exposure to beryllium and the development of adverse health effects; exposure assessment and monitoring methods; exposure control methods; and medical surveillance. In addition, the Agency conducted field surveys of selected worksites to assess current exposures and control methods being used to reduce employee exposures to beryllium. OSHA convened a Small Business Advocacy Review Panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and completed the SBREFA Report in January 2008. OSHA also completed a scientific peer review of its draft risk assessment.

Timetable:

Action	Date	FR Cite
Request for Information.	11/26/02	67 FR 70707
Request for Information Comment Period End.	02/24/03	
SBREFA Report Completed.	01/23/08	
Initiated Peer Review of Health Effects and Risk Assessment.	03/22/10	
Complete Peer Review.	11/19/10	
NPRM	08/07/15	80 FR 47565
NPRM Comment Period End.	11/05/15	
Analyze Comments.	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, FP Building, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AB76

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

333. Occupational Exposure to Crystalline Silica

Regulatory Plan: This entry is Seq. No. 84 in part II of this issue of the **Federal Register**.

RIN: 1218–AB70

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Long-Term Actions

334. Infectious Diseases

Legal Authority: 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673

Abstract: Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic

influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, Methicillin-resistant Staphylococcus aureus (MRSA), and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is concerned about the ability of employees to continue to provide health care and other critical services without unreasonably jeopardizing their health. OSHA is considering the need for a standard to ensure that employers establish a comprehensive infection control program and control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: Health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	05/06/10	75 FR 24835
RFI Comment Period End.	08/04/10	
Analyze Comments.	12/30/10	
Stakeholder Meetings.	07/05/11	76 FR 39041
Initiate SBREFA ..	06/04/14	
Complete SBREFA.	12/22/14	
NPRM	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, FP Building, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AC46

335. Injury and Illness Prevention Program

Legal Authority: 29 U.S.C. 653; 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: OSHA is developing a rule requiring employers to implement an Injury and Illness Prevention Program. It involves planning, implementing, evaluating, and improving processes and activities that protect employee safety and health. OSHA has substantial data on reductions in injuries and illnesses from employers who have implemented similar effective processes. The Agency currently has voluntary Safety and Health Program Management Guidelines (54 FR 3904 to 3916), published in 1989. An injury and illness prevention program rule would build on these guidelines as well as lessons learned from successful approaches and best practices under OSHA's Voluntary Protection Program, Safety and Health Achievement Recognition Program, and similar industry and international initiatives such as American National Standards Institute/American Industrial Hygiene Association Z10, and Occupational Health and Safety Assessment Series 18001.

Timetable:

Action	Date	FR Cite
Notice of Stakeholder Meetings.	05/04/10	75 FR 23637
Notice of Additional Stakeholder Meetings.	06/22/10	75 FR 35360
Initiate SBREFA ..	01/06/12	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, FP Building, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AC48

[FR Doc. 2015–30627 Filed 12–14–15; 8:45 am]

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FEDERAL REGISTER

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Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I–III

23 CFR Chs. I–III

33 CFR Chs. I and IV

46 CFR Chs. I–III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII

[DOT–OST–1999–5129]

Department Regulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. It is expected that this information will enable the public to more effectively participate in the Department's regulatory process. The public is also invited to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the Agenda in general to Jonathan Moss, Assistant General Counsel for Regulation, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 366–4723.

Specific

You should direct all comments and inquiries on particular items in the Agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in appendix B.

Table of Contents

SUPPLEMENTARY INFORMATION:

Background

Improvement of our regulations is a prime goal of the Department of Transportation (Department or DOT). Our regulations should be clear, simple, timely, fair, reasonable, and necessary. They should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to ensure that they continue to meet the needs for which they originally were designed. To view additional information about the Department's regulatory activities online, go to *http://www.dot.gov/regulations.* Among other things, this Web site provides a report updated monthly on the status of the DOT significant rulemakings listed in the semiannual regulatory agenda.

To help the Department achieve its goals and in accordance with Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' (58 FR 51735; Oct. 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979), the Department prepares a semiannual regulatory agenda. It summarizes all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the next 12 months or for which action has been completed since the last Agenda.

The Agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by OST.

The Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DOT's printed Agenda entries include only:

1. The agency's Agenda preamble;
2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list, see section heading ''Explanation of Information on the Agenda'') on these entries is available in the Unified Agenda published on the Internet.

Significant Rulemakings

The Agenda covers all rules and regulations of the Department. We have classified rules as significant in the Agenda if they are, essentially, very beneficial, controversial, or of substantial public interest under our Regulatory Policies and Procedures. All DOT significant rulemaking documents are subject to review by the Secretary of Transportation. If the Office of Management and Budget (OMB) decided a rule is subject to its review under Executive Order 12866, we have also classified it as significant in the Agenda.

Explanation of Information on the Agenda

An Office of Management and Budget memorandum, dated August 13, 2015, requires the format for this Agenda.

First, the Agenda is divided by initiating offices. Then the Agenda is divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the Agenda provides the following information: (1) Its ''significance''; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (*e.g.,* NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for when a rulemaking document may publish; (8) whether the rulemaking will affect small entities and/or levels of Government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the

Agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled ''Additional Information.'' One such example of this is the letters ''SB,'' ''IC,'' and ''SLT.'' These refer to information used as part of our required reports on Retrospective Review of DOT rulemakings. A ''Y'' or an ''N,'' for yes and no, respectively, follow the letters to indicate whether or not a particular rulemaking would have effects on: Small businesses (SB); information collections (IC); or State, local, or tribal (SLT) governments.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the ''Timetable'' column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which a rulemaking document may publish. In addition, these dates are based on current schedules. Information received after the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the Agenda for the first time.

Request for Comments

General

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as making the Agenda easier to use. We would like you, the public, to make suggestions or comments on how the Agenda could be further improved.

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in appendix D. In response to Executive Order 13563 ''Retrospective Review and Analysis of Existing Rules,'' in 2011 we prepared a retrospective review plan providing more detail on the process we use to conduct reviews of existing rules, including changes in response to Executive Order 13563. Any updates related to our retrospective plan and review results can be found at *http://www.dot.gov/regulations*.

Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a ''significant economic impact on a substantial number of small entities'' and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (sec. 610 Review) appears at the end of the title for these reviews. Please see appendix D for the Department's section 610 review plans.

Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an accountable process to ensure ''meaningful and timely input'' by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have ''substantial direct effects'' on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of Government or Indian tribes. Therefore, we encourage State and local Governments or Indian tribes to provide us with information about how the Department's rulemakings impact them.

Purpose

The Department is publishing this regulatory Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the Agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: October 8, 2015.

Anthony R. Foxx,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the Agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most, if not all, such documents, including the Semiannual Regulatory Agenda, are available through the Internet at *http://www.regulations.gov*. See appendix C for more information.

(Name of contact person), (Name of the DOT agency), 1200 New Jersey Avenue SE., Washington, DC 20590. (For the Federal Aviation Administration, substitute the following address: Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591).

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA—Lirio Liu, Director, Office of Rulemaking, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–7833.

FHWA—Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0761.

FMCSA—Steven J. LaFreniere, Regulatory Ombudsman, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0596.

NHTSA—Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–2992.

FRA—Kathryn Gresham, Office of Chief Counsel, 1200 New Jersey Avenue

SE., Washington, DC 20590; telephone (202) 493–6063.
FTA—Bonnie Graves, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4011.
SLSDC—Carrie Mann Lavigne, Chief Counsel, 180 Andrews Street, Massena, NY 13662; telephone (315) 764–3200.
PHMSA—Karin Christian, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4400.
MARAD—Christine Gurland, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–5157.
OST—Jonathan Moss, Assistant General Counsel for Regulation, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4723.

Appendix C—Public Rulemaking Dockets

All comments via the Internet are submitted through the Federal Docket Management System (FDMS) at the following address: *http://www.regulations.gov*. The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced Internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at or deliver comments on proposed rulemakings to the Dockets Office at 1200 New Jersey Avenue SE. Room W12–140, Washington, DC 20590, 1–800–647–5527. Working Hours: 9:00 a.m. to 5:00 p.m.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866, ''Regulatory Planning and Review,'' and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to permit its use. We are committed to continuing our reviews of existing rules and, if it is needed, will initiate rulemaking actions based on these reviews.

In accordance with Executive Order 13563, ''Improving Regulation and Regulatory Review,'' issued by the President on January 18, 2011, the Department has added other elements to its review plan. The Department has decided to improve its plan by adding special oversight processes within the Department, encouraging effective and timely reviews, including providing additional guidance on particular problems that warrant review, and expanding opportunities for public participation. These new actions are in addition to the other steps described in this appendix.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that: (1) Have been published within the last 10 years, and (2) have a ''significant economic impact on a substantial number of small entities'' (SEIOSNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a presidentially mandated review. If there is any change to the review plan, we will note the change in the following Agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the Agenda. Thus, Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010, and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses should be submitted to the regulatory contacts listed in appendix B, General Rulemaking Contact Persons.

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEIOSNOSE, we will give a short explanation (*e.g.,* ''these rules only establish petition processes that have no cost impact'' or ''these rules do not apply to any small entities''). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the prerulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall Agenda, the agency will also publish information on the results of the examinations completed during the previous year.

Part III—List of Pending Section 610 Reviews

The Agenda identifies the pending DOT section 610 Reviews by inserting ''(Section 610 Review)'' after the title for the specific entry. For further information on the pending reviews, see the Agenda entries at *www.reginfo.gov*. For example, to obtain a list of all entries that are in section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting ''advanced search'') and, in effect, generate the desired ''index'' of reviews.

Office of the Secretary

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 91 through 99 and 14 CFR parts 200 through 212	2008	2009
2	48 CFR parts 1201 through 1253 and new parts and subparts	2009	2010
3	14 CFR parts 213 through 232	2010	2011
4	14 CFR parts 234 through 254	2011	2012
5	14 CFR parts 255 through 298 and 49 CFR part 40	2012	2013
6	14 CFR parts 300 through 373	2013	2014
7	14 CFR parts 374 through 398	2014	2015
8	14 CFR part 399 and 49 CFR parts 1 through 11	2015	2016
9	49 CFR parts 17 through 28	2016	2017
10	49 CFR parts 29 through 39 and parts 41 through 89	2017	2018

Year 8 (2015) List of Rules That Will Be Analyzed During the Next Year

14 CFR part 399—Fees and Charges for Special Services
49 CFR part 1—Organization and Delegation of Power and Duties
49 CFR part 3—Official Seal
49 CFR part 5—Rulemaking Procedures
49 CFR part 6—Implementation of Equal Access to Justice Act in Agency Proceedings
49 CFR part 7—Public Availability of Information
49 CFR part 8—Classified Information: Classification/Declassification/Access
49 CFR part 9—Testimony of Employees of the Department and Production of Records in Legal Proceedings
49 CFR part 10—Maintenance of and Access to Records Pertaining to Individuals
49 CFR part 11—Protection of Human Subjects

Year 7 (2014) List of Rules With Ongoing Analysis

14 CFR part 374—Implementation of the Consumer Credit Protection Act with Respect to Air Carriers and Foreign Air Carriers
14 CFR part 374a—Extension of Credit by Airlines to Federal Political Candidates
14 CFR part 375—Navigation of Foreign Civil Aircraft within the United States
14 CFR part 377—Continuance of Expired Authorizations by Operation of Law Pending Final Determination of Applications for Renewal Thereof
14 CFR part 380—Public Charters
14 CFR part 381—Special Event Tours
14 CFR part 382—Nondiscrimination On The Basis Of Disability in Air Travel
14 CFR part 383—Civil Penalties
14 CFR part 385—Staff Assignments and Review of Action under Assignments
14 CFR part 389—Fees and Charges for Special Services
14 CFR part 398—Guidelines for Individual Determinations of Basic Essential Air Service

Year 6 (2013) List of Rules With Ongoing Analysis

14 CFR part 300—Rules of Conduct in DOT Proceedings Under This Chapter
14 CFR part 302—Rules of Practice in Proceedings
14 CFR part 303—Review of Air Carrier Agreements
14 CFR part 305—Rules of Practice in Informal Nonpublic Investigations
14 CFR part 313—Implementation of the Energy Policy and Conservation Act
14 CFR part 323—Terminations, Suspensions, and Reductions of Service
14 CFR part 325—Essential Air Service Procedures
14 CFR part 330—Procedures For Compensation of Air Carriers
14 CFR part 372—Overseas Military Personnel Charters

Year 5 (Fall 2012) List of Rules With Ongoing Analysis

14 CFR part 255—Airline Computer Reservations Systems
14 CFR part 256—[Reserved]
14 CFR part 271—Guidelines for Subsidizing Air Carriers Providing Essential Air Transportation
14 CFR part 272—Essential Air Service to the Freely Associated States
14 CFR part 291—Cargo Operations in Interstate Air Transportation
14 CFR part 292—International Cargo Transportation
14 CFR part 293—International Passenger Transportation
14 CFR part 294—Canadian Charter Air Taxi Operators
14 CFR part 296—Indirect Air Transportation of Property
14 CFR part 297—Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations
14 CFR part 298—Exemptions for Air Taxi and Commuter Air Carrier Operations

Year 4 (Fall 2011) List of Rules With Ongoing Analysis

14 CFR part 240—Inspection of Accounts and Property
14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers
14 CFR part 243—Passenger Manifest Information
14 CFR part 247—Direct Airport-to-Airport Mileage Records
14 CFR part 248—Submission of Audit Reports
14 CFR part 249—Preservation of Air Carrier Records

Year 3 (Fall 2010) List of Rules With Ongoing Analysis

14 CFR part 213—Terms, Conditions, and Limitations of Foreign Air Carrier Permits
14 CFR part 214—Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only
14 CFR part 215—Use and Change of Names of Air Carriers, Foreign Air Carriers, and Commuter Air Carriers
14 CFR part 216—Commingling of Blind Sector Traffic by Foreign Air Carriers
14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Nonscheduled Services
14 CFR part 218—Lease by Foreign Air Carrier or Other Foreign Person of Aircraft With Crew
14 CFR part 221—Tariffs
14 CFR part 222—Intermodal Cargo Services by Foreign Air Carriers

14 CFR part 223—Free and Reduced-Rate Transportation
14 CFR part 232—Transportation of Mail, Review of Orders of Postmaster General
14 CFR part 234—Airline Service Quality Performance Reports

Year 1 (Fall 2008) List of Rules With Ongoing Analysis

49 CFR part 91—International Air Transportation Fair Competitive Practices
49 CFR part 92—Recovering Debts to the United States by Salary Offset
49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities
49 CFR part 99—Employee Responsibilities and Conduct
14 CFR part 200—Definitions and Instructions
14 CFR part 201—Air Carrier Authority Under Subtitle VII of Title 49 of the United States Code [Amended]
14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses
14 CFR part 204—Data to Support Fitness Determinations
14 CFR part 205—Aircraft Accident Liability Insurance
14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions
14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers
14 CFR part 208—Charter Trips by U.S. Charter Air Carriers
14 CFR part 211—Applications for Permits to Foreign Air Carriers
14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers

Federal Aviation Administration

Section 610 Review Plan

The FAA has elected to use the two-step, two-year process used by most DOT modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the ''*analysis year*''), all rules published during the previous 10 years within a 10% block of the regulations will be *analyzed* to identify those with a SEIOSNOSE. During the second year (the ''*review year*''), each rule identified in the analysis year as having a SEIONOSE will be *reviewed* in accordance with Section 610 (b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR parts 119 through 129 and parts 150 through 156	2008	2009
2	14 CFR parts 133 through 139 and parts 157 through 169	2009	2010
3	14 CFR parts 141 through 147 and parts 170 through 187	2010	2011
4	14 CFR parts 189 through 198 and parts 1 through 16	2011	2012
5	14 CFR parts 17 through 33	2012	2013
6	14 CFR parts 34 through 39 and parts 400 through 405	2013	2014
7	14 CFR parts 43 through 49 and parts 406 through 415	2014	2015
8	14 CFR parts 60 through 77	2015	2016
9	14 CFR parts 91 through 105	2016	2017
10	14 CFR parts 417 through 460	2017	2018

Year 9 (2016) List of Rules To Be Analyzed During the Next Year

14 CFR part 91—General Operating and Flight Rules
14 CFR part 93—Special Air Traffic Rules
14 CFR part 95—IFR Altitudes
14 CFR part 97—Standard Instrument Procedures
14 CFR part 99—Security Control of Air Traffic
14 CFR part 101—Moored Balloons, Kites, Amateur Rockets and Unmanned Free Balloons
14 CFR part 103—Ultralight Vehicles
14 CFR part 105—Parachute Operations

Year 8 (2015) List of Rules Analyzed and Summary of Results

14 CFR Part 60—Flight Simulation Training Device Initial and Continuing Qualification and Use

• Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 61—Certification: Pilots, Flight Instructors, and Ground Instructors

• Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 63—Certification: Flight Crewmembers Other Than Pilots

• Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 65—Certification: Airmen Other than Flight Crewmembers

• Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 67—Medical Standards and Certification

• Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 71—Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points

• Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 73—Special Use Airspace

• Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.

• General: No changes are needed. These regulations are cost effective and

impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 77—Safe, Efficient Use, and Preservation of the Navigable Airspace

- Section 610: The agency conducted a Section 610 review of this part and found no SEISNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

Federal Highway Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	None	2008	2009
2	23 CFR parts 1 to 260	2009	2010
3	23 CFR parts 420 to 470	2010	2011
4	23 CFR part 500	2011	2012
5	23 CFR parts 620 to 637	2012	2013
6	23 CFR parts 645 to 669	2013	2014
7	23 CFR parts 710 to 924	2014	2015
8	23 CFR parts 940 to 973	2015	2016
9	23 CFR parts 1200 to 1252	2016	2017
10	New parts and subparts	2017	2018

Federal-Aid Highway Program

The Federal Highway Administration (FHWA) has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highway is chapter I of title 23 of the U.S.C. 145 of title 23, expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

Year 7 (Fall 2014) List of Rules Analyzed and a Summary of Results

23 CFR Part 710—Right-of-Way and Real Estate

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: An updated rule was promulgated implementing section 1302 of MAP–21 by adding the new authorities for early acquisition of property to part 710, clarifying the Federal-aid eligibility of a broad range of real property interests that constitute less than full fee ownership, streamlining program requirements, clarifying the Federal-State partnership, and carrying out a comprehensive update of part 710.

23 CFR Part 750—Highway Beautification

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 FR Part 751—Junkyard Control and Acquisition

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 752—Landscape and Roadside Development

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 771—Environmental Impact and Related Procedures

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: An updated rule was promulgated to conform with MAP–21, and proposes additional substantive and nonsubstantive changes to streamline or clarify this part.

23 CFR Part 772—Procedures for Abatement of Highway Traffic Noise and Construction Noise

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 773—Surface Transportation Project Delivery Program Application Requirements and Termination

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 774—Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites (Section 4(f))

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 777—Mitigation of Impacts to Wetlands and Natural Habitat

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 810—Mass Transit and Special Use Highway Projects

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR Part 924—Highway Safety Improvement Program

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: An updated rule was promulgated to incorporate amendments made to the program by section 1112 of MAP–21 and to incorporate necessary changes to align with the safety performance management rulemaking.

Year 8 (Fall 2015) List of Rules That Will Be Analyzed During the Next Year

23 CFR part 940—Intelligent transportation system architecture and standards
23 CFR part 950—Electronic toll collection
23 CFR part 970—National Park Service Management Systems
23 CFR part 971—Forest Service management systems
23 CFR part 972—Fish and Wildlife Service management systems
23 CFR part 973—Management systems pertaining to the Bureau of Indian Affairs and the Indian Reservation Roads Program

Federal Motor Carrier Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 372, subpart A	2008	2009
2	49 CFR part 386	2009	2010
3	49 CFR parts 325 and 390 (General)	2010	2011
4	49 CFR parts 390 (Small Passenger-Carrying Vehicles), 391 to 393 and 396 to 399	2011	2012
5	49 CFR part 387	2012	2013
6	49 CFR parts 360, 365, 366, 368, 374, 377, and 378	2013	2014
7	49 CFR parts 356, 367, 369, 370, 371, 372 (subparts B and C)	2014	2015
8	49 CFR parts 373, 376, and 379	2015	2016
9	49 CFR part 375	2016	2017
10	49 CFR part 395	2017	2018

Year 6 (Fall 2014) List of Rules Analyzed and a Summary of Results

49 CFR Part 360—Fees for Motor Carrier Registration and Insurance

- Section 610: There is no SEISNOSE. This administrative rule allows FMCSA to collect one-time nominal registration and insurance fees for commercial motor carriers. The fees do not place any significant cost burden on small entities.
- General: FMCSA will integrate plain language techniques to the extent possible as it rewrites various rulemakings to address Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) and MAP–21 provisions that authorize the replacement of three current identification and registration systems with a single online Federal ''Unified Registration System (URS).'' The authority to set and collect fees is found in 31 U.S.C. 9701 and 49 U.S.C. 13908.

49 CFR Part 3659—Rules Governing Applications for Operating Authority

- Section 610: There is no SEISNOSE. This administrative rule describes the operating authority application process and does not require extensive time to complete. The rule also allows commercial motor vehicle (CMV) carriers to protest a rejected application for operating authority. Because no entity is obliged to file a protest; and the filing process requires minimal time to complete, we find that the rule does not impose any significant costs upon a significant number of small entities.
- General: FMCSA will integrate plain language techniques as it rewrites these rulemakings and will integrate this part into 49 CFR part 360 consistent with the Federal ''Unified Registration System.'' This part is still relevant as it provides carriers with the authority to operate.

49 CFR Part 366—Designation of Process Agent

- Section 610: There is no SEISNOSE. These rules require motor carriers to designate court-related process agents for every State in which they operate to enable the claimant to adjudicate a claim in the jurisdiction where the claim arises. Many small motor carriers contract with organizations which provide a nationwide blanket authority at a reasonable cost.
- General: The process-agent designation is imposed by statute: 49 U.S.C. 13303 and 13304; consequently FMCSA has no discretion regarding costs associated with this rulemaking. FMCSA will integrate plain language techniques as it rewrites these rulemakings and will integrate this part into 49 CFR part 360 consistent with the Federal ''Unified Registration System.''

49 CFR Part 368—Application for a Certificate of Registration to Operate in Municipalities in the United States on the United States-Mexico International Border or Within the Commercial Zones of Such Municipalities

- Section 610: There is no SEISNOSE. The issuance of ''Certificates of Registration'' to Mexican motor carriers of property desiring to operate in the United States commercial border zones applies only to Mexican carriers and therefore has no cost impact to U.S. small entities.
- General: This rule remains important since the North American Free Trade Agreement has not been fully implemented. The FMCSA will integrate plain language techniques as it rewrites these rulemakings and will integrate this part into 49 CFR part 360, consistent with SAFETEA–LU and the proposed Federal ''Unified Registration System.''

49 CFR Part 374—Discrimination in Operations of Interstate Motor Common Carriers of Passengers

- Section 610: There is no SEISNOSE. This regulation is administrative in nature and was transferred to the Department of Transportation upon the enactment of the Interstate Commerce Commission Termination Act (ICCTA) of 1995. This rule prohibits certain forms of discrimination and smoking on interstate motor carriers of passengers, ticketing requirements, and excess baggage requirements regarding commercial travel on Interstate motor carriers of passengers. These rules promote standard business practices that a prudent person should undertake in the proper management of transportation operations consistent with existing laws to include the Americans with Disabilities Act (ADA) and the Civil Rights Amendment. There are no substantial additive costs borne by small entities as a result of this rule.
- General: These regulations are cost effective and impose minimal burden. FMCSA will rewrite the regulations using plain language techniques as resources permit.

49 CFR Part 377—Payment of Transportation Charges

• Section 610: There is no SEISNOSE. The rules and regulations in this part apply to the transportation by motor vehicle of collect on delivery shipments by common carriers of property subject to 49 U.S.C. 13702, and extending credit to shippers. The rules do not constrain business decisions or impose costly fees upon small entities.

• General: These rules support 49 U.S.C. 13702, and require certain carriers to publish tariffs in support of non-contiguous domestic trade. FMCSA will rewrite its regulations using plain language techniques as resources permit.

49 CFR Part 378—Procedures Governing the Processing, Investigation, and Disposition of Overcharge, Duplicate Payment, or Over-Collection Claims

• Section 610: There is no SEISNOSE. These rules involve standard business practices that a prudent carrier should undertake in the proper management of claim disputes even in the absence of the rules. The benefits of the rule justify their costs, and impose only a minimal cost burden on small entities.

• General: These rules support 49 U.S.C. 13301, 14101, 14704, 14705, and 13702(a), which regulate the management of claim disputes. FMCSA will rewrite the regulations using plain language techniques as resources permit.

Year 7 (Fall 2015) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 356—Motor Carrier Routing Regulations;

49 CFR part 367—Standards for Registration with States;

49 CFR part 369—Reports of Motor Carriers;

49 CFR part 370—Principles and Practices for the Investigation and Voluntary Disposition of Loss and Damage Claims and Processing Salvage;

49 CFR part 371—Brokers of Property; and

49 CFR part 372 (subparts B and C)—Exemptions, Commercial Zones and Terminal Areas.

National Highway Traffic Safety Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 571.223 through 571.500, and parts 575 and 579	2008	2009
2	23 CFR parts 1200 through 1300	2009	2010
3	49 CFR parts 501 through 526 and 571.213	2010	2011
4	49 CFR parts 571.131, 571.217, 571.220, 571.221, and 571.222	2011	2012
5	49 CFR parts 571.101 through 571.110, and 571.135, 571.138, and 571.139	2012	2013
6	49 CFR parts 529 through 578, except parts 571 and 575	2013	2014
7	49 CFR parts 571.111 through 571.129 and parts 580 through 588	2014	2015
8	49 CFR parts 571.201 through 571.212	2015	2016
9	49 CFR parts 571.214 through 571.219, except 571.217	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts	2017	2018

Year 7 (Fall 2014) List of Rules Analyzed and a Summary of the Results

49 CFR Part 571.111—Rear Visibility

• Section 610: There is no SEIOSNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.113—Hood Latch System

• Section 610: There is no SEIOSNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.114—Theft Protection and Rollaway Prevention

• Section 610: There is no SEIOSNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.116—Motor Vehicle Brake Fluids

• Section 610: There is no SEIOSNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.117—Retreaded Pneumatic Tires

• Section 610: There is no SEIOSNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.118—Power-Operated Window, Partition, and Roof Panel Systems

• Section 610: There is no SEIOSNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.119—New Pneumatic Tires for Motor Vehicles With a GVWR of More Than 4,536 Kilograms (10,000 Pounds) and Motorcycles

• Section 610: There is no SEIOSNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.120—Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles With a GVWR of More Than 4,536 Kilograms (10,000 Pounds)

• Section 610: There is no SEIOSNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.121—Air Brake Systems

• Section 610: There is no SEIOSNOSE.

• General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain

language review of these rules indicates no need for substantial revision.

49 CFR Part 571.122—Motorcycle Brake Systems

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.122a—Motorcycle Brake Systems

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.123—Motorcycle Controls and Displays

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.124—Accelerator Control Systems

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.125—Warning Devices

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.126—Electronic Stability Control Systems

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 571.129—New Non-pneumatic Tires for Passenger Cars

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 580—Odometer Disclosure Requirements

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 581—Bumper Standard

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 582—Insurance Cost Information Regulation

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 583—Automobile Parts Content Labeling

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 585—Phase-In Reporting Requirements

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 587—Deformable Barriers

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR Part 588—Child Restraint Systems Recordkeeping Requirements

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

Year 8 (Fall 2015) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 571.201—Occupant Protection in Interior Impact
49 CFR part 571.202—Head Restraints; Applicable at the Manufacturers Option Until September 1, 2009
49 CFR part 571.202a—Head Restraints; Mandatory Applicability Begins On September 1, 2009
49 CFR part 571.203—Impact Protection For the Driver From the Steering Control System
49 CFR part 571.204—Steering Control Rearward Displacement.
49 CFR part 571.205—Glazing Materials
49 CFR part 571.205a—Glazing Equipment Manufactured Before September 1, 2006 and Glazing Materials Used In Vehicles Manufactured Before November 1, 2006
49 CFR part 571.206—Door Locks and Door Retention Components
49 CFR part 571.207—Seating Systems
49 CFR part 571.208—Occupant Crash Protection
49 CFR part 571.209—Seat Belt Assemblies
49 CFR part 571.210—Seat Belt Assembly Anchorages
49 CFR part 571.211—[Reserved]
49 CFR part 571.212—Windshield Mounting

Federal Railroad Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 200 and 201	2008	2009
2	49 CFR parts 207, 209, 211, 215, 238, and 256	2009	2010
3	49 CFR parts 210, 212, 214, 217, and 268	2010	2011
4	49 CFR part 219	2011	2012
5	49 CFR parts 218, 221, 241, and 244	2012	2013
6	49 CFR parts 216, 228, and 229	2013	2014
7	49 CFR parts 223 and 233	2014	2015

Year	Regulations to be reviewed	Analysis year	Review year
8	49 CFR parts 224, 225, 231, and 234	2015	2016
9	49 CFR parts 222, 227, 235, 236, 250, 260, and 266	2016	2017
10	49 CFR parts 213, 220, 230, 232, 239, 240, and 265	2017	2018

Year 7 (Fall 2014) List of Rules Analyzed and a Summary of Results

49 CFR Part 223—Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses

- Section 610: There is no SEIOSNOSE.
- General: The rule provides minimum requirements for glazing materials, and is necessary to protect railroad employees and railroad passengers from injury as a result of objects striking the windows of locomotives, passenger cars and cabooses. Recent amendments with regard to the clarification existing regulations related to the use of glazing materials in the windows of locomotives, passenger cars, and cabooses are expected to reduce paperwork and other economic burdens on the rail industry by removing a stenciling requirement for locomotives, passenger cars, and cabooses. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR Part 233—Signal Systems Reporting Requirements

- Section 610: There is no SEIOSNOSE.
- General: FRA proposed to eliminate the five-year reporting requirement in a notice of proposed rulemaking (NPRM) that was published on June 19, 2013. The final rule eliminated the regulatory requirement that each railroad file a Signal Systems Five-Year Report with FRA which became effective on September 2, 2014. This would reduce paperwork burdens, and protect public health, welfare, safety and environment. FRA's plain language review of this rule indicates no need for substantial revision.

Year 8 (Fall 2015) List of Rule(s) That Will Be Analyzed During Next Year

49 CFR part 224—Reflectorization of Rail Freight Rolling Stock

49 CFR part 225—Railroad Accidents/Incidents: Reports Classification and Investigations

49 CFR part 231—Railroad Safety Appliance Standards

49 CFR part 234—Grade Crossing Safety, Including Signal Systems, State Action Plans, and Emergency Notification Systems

Federal Transit Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 604, 605, and 633	2008	2009
2	49 CFR parts 661 and 665	2009	2010
3	49 CFR part 633	2010	2011
4	49 CFR parts 609 and 611	2011	2012
5	49 CFR parts 613 and 614	2012	2013
6	49 CFR part 622	2013	2014
7	49 CFR part 630	2014	2015
8	49 CFR part 639	2015	2016
9	49 CFR parts 659 and 663	2016	2017
10	49 CFR part 665	2017	2018

Year 7 (Fall 2014) List of Rules Analyzed and Summary of Results

49 CFR Part 630—National Transit Database

- Section 610: The agency has determined that the rule continues to not have a significant effect on a substantial number of small entities. FTA is proposing to amend the rule to align with the statutory requirement to report performance measures and targets for the National Transit Asset Management System as required under 49 U.S.C. 5326(c)(3). Currently, the NTD reporting requirements are limited, in some instances, to recipients and sub-recipients of section 5307 urban formula funds and 5311 rural formula funds. The proposed reporting requirements would apply to all recipients and sub-recipients of Chapter 53 funds that own, operate, or manage capital assets used in the provision of public transportation. However, FTA is not proposing to apply all existing NTD reporting requirements to all recipients of chapter 53 funds. FTA has evaluated the likely effects of the proposed rule on small entities and is requesting public comment during the rulemaking process. FTA has determined that the proposed revisions will not have a significant economic impact on a substantial number of small entities.
- General: The rule was promulgated to prescribe requirements and procedures for compliance with Federal data reporting requirements dictated by statute. Recently, Congress included additional reporting requirements for the management of transit asset when it enacted the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141, (2012). FTA is promulgating a notice of proposed rulemaking to implement specific reporting requirements of the National Asset Management System in accordance with 49 U.S.C. 5326. The proposal includes revising 49 CFR part 630 to apply to all recipients of Federal public transit funds instead of being limited to just recipients of Federal funds under 49 U.S.C. 5307 and 5311. However, the proposed rule will not extend all current reporting requirements to all recipients. This proposal will revise the regulation to be consistent with current statutory requirements.

Year 8 (Fall 2015)—List of Rule(s) That Will Be Analyzed This Year

49 CFR part 639—Capital Leases

Maritime Administration

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	46 CFR parts 201 through 205	2008	2009
2	46 CFR parts 221 through 232	2009	2010
3	46 CFR parts 249 through 296	2010	2011
4	46 CFR parts 221, 298, 308, and 309	2011	2012
5	46 CFR parts 307 through 309	2012	2013
6	46 CFR part 310	2013	2014
7	46 CFR parts 315 through 340	2014	2015
8	46 CFR parts 345 through 381	2015	2016
9	46 CFR parts 382 through 389	2016	2017
10	46 CFR parts 390 through 393	2017	2018

Year 6 (2013) List of Rules With Ongoing Analysis

46 CFR part 310—Merchant Marine Training

Year 7 (2014) List of Rules With Ongoing Analysis

46 CFR part 315—Agency Agreements and Appointment of Agents
46 CFR part 317—Bonding of Ship's Personnel
46 CFR part 324—Procedural Rules for Financial Transactions Under Agency Agreements
46 CFR part 325—Procedure to be Followed by General Agents in Preparation of Invoices and Payment of Compensation Pursuant to Provisions of NSA Order No. 47
46 CFR part 326—Marine Protection and Indemnity Insurance Under Agreements with Agents
46 CFR part 327—Seamen's Claims; Administrative Action and Litigation
46 CFR part 328—Slop Chests
46 CFR part 329—Voyage Data
46 CFR part 330—Launch Services
46 CFR part 332—Repatriation of Seaman
46 CFR part 335—Authority and Responsibility of General Agents to Undertake Emergency Repairs in Foreign Ports
46 CFR part 336—Authority and Responsibility of General Agents to Undertake in Continental United States Ports Voyage Repairs and Service Equipment of Vessels Operated for the Account of the National Shipping Authority Under General Agency Agreement
46 CFR part 337—General Agent's responsibility in Connection with Foreign Repair Custom's Entries
46 CFR part 338—Procedure for Accomplishment of Vessel Repairs Under National Shipping Authority Master Lump Sum Repair Contract—NSA—Lumpsumrep
46 CFR part 339—Procedure for Accomplishment of Ship Repairs Under National Shipping Authority Individual Contract for Minor Repairs—NSA—Worksmalrep
46 CFR part 340—Priority Use and Allocation of Shipping Services, Container and Chassis and Port Facilities and Services for National Security and National Defense Related Operations.

Year 8 (2015) List of Rules With Ongoing Analysis

46 CFR part 345—Restrictions upon the transfer or change in use or in terms governing utilization of port facilities
46 CFR part 346—Federal port controllers
46 CFR part 356—Requirements for vessels over 100 feet or greater in registered length to obtain a fishery endorsement to the vessel's documentation
46 CFR part 370—Claims
46 CFR part 381—Cargo preference—U.S.-flag vessels

Year 9 (2016) List of Rules That Will Be Analyzed During the Next Year

46 CFR part 382—Determination of fair and reasonable rates for the carriage of bulk and packaged preference cargoes on U.S.-flag commercial vessels
46 CFR part 385—Research and development grant and cooperative agreements regulations
46 CFR part 386—Regulations governing public buildings and grounds at the United States Merchant Marine Academy
46 CFR part 387—Utilization and disposal of surplus Federal real property for development or operation of a port facility
46 CFR part 388—Administrative waivers of the Coastwise Trade Laws
46 CFR part 389—Determination of availability of coast-wise-qualified vessels for transportation of platform jackets

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 178	2008	2009
2	49 CFR parts 178 through 180	2009	2010
3	49 CFR parts 172 and 175	2010	2011
4	49 CFR part 171, sections 171.15 and 171.16	2011	2012
5	49 CFR parts 106, 107, 171, 190, and 195	2012	2013
6	49 CFR parts 174, 177, 191, and 192	2013	2014
7	49 CFR parts 176 and 199	2014	2015
8	49 CFR parts 172 and 178	2015	2016
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2016	2017
10	49 CFR parts 173 and 194	2017	2018

Year 7 (Fall 2015) List of Rules Analyzed and a Summary of Results

49 CFR Part 176—Carriage by Vessel

• Section 610: There is no SEIOSNOSE. This rule prescribes minimum safety standards for the transportation of hazardous materials by vessel. Some small entities may be affected, but the economic impact on small entities will not be significant.

• General: The requirements in this rule are necessary to protect workers and the general public from the dangers associated with incidents involving hazardous materials transported by vessel. These provisions closely align

with international standards for the safe transportation of dangerous goods. PHMSA works in consultation with the United States Coast Guard to promote a harmonized international framework for the vessel transport of hazardous materials through participation in relevant international standards setting bodies including the International Maritime Organization's Sub-Committee on Carriage of Cargoes and Containers and strives to harmonize domestic regulations with that framework wherever such harmonization provides an acceptable level of safety and is in the public interest. PHMSA's plain language review of this rule indicates no need for substantial revision.

49 CFR Part 199—Drug and Alcohol Testing

- Section 610: There is no SEIOSNOSE. Based on regulated entities, PHMSA found that the majority of operators are not small businesses. Therefore, though some small entities may be affected, the economic impact on small entities will not be significant.
- General: No changes are needed. These regulations are cost effective and impose the least burden. PHMSA's plain language review of this rule indicates no need for substantial revision.

Year 8 (Fall 2016) List of Rules That Will Be Analyzed During the Next Year

49 CFR part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans

49 CFR part 178—Specifications for Packagings

Saint Lawrence Seaway Development Corporation

Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	33 CFR parts 401 through 403	2008	2009

Year 1 (Fall 2008) List of Rules With Ongoing Analysis

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
336	+ Airline Pricing Transparency and Other Consumer Protection Issues	2105–AE11

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
337	+ Applying the Flight, Duty, and Rest Rules to Tail-End Ferry Operations (FAA Reauthorization	2120–AK26

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
338	+ Airport Safety Management System (**Reg Plan Seq No. 87**)	2120–AJ38
339	+ Applying the Flight, Duty, and Rest requirements to Ferry Flights that Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization).	2120–AK22
340	+ Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes (**Reg Plan Seq No. 89**).	2120–AK65

+ DOT-designated significant regulation.
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
341	+ Operation and Certification of Small Unmanned Aircraft Systems (**Reg Plan Seq No. 90**)	2120–AJ60
342	Changing the Collective Risk Limits for Launches and Reentries and Clarifying the Risk Limit Used to Establish Hazard Areas for Ships and Aircraft.	2120–AK06
343	Flight Simulation Training Device (FSTD) Qualification Standards for Extended Envelope and Adverse Weather Event Training.	2120–AK08
344	Acceptance Criteria for Portable Oxygen Concentrators Used Onboard Aircraft (RRR)	2120–AK32
345	Reciprocal Waivers of Claims for Licensed or Permitted Launch and Reentry Activities (RRR)	2120–AK44

+ DOT-designated significant regulation.

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
346	+ Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (**Section 610 Review**).	2120–AK77

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
347	+ Prohibition Against Certain Flights Within the Baghdad (ORBB) Flight Information Region (FIR) Amendment.	2120–AK60

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
348	+ Carrier Safety Fitness Determination (**Reg Plan Seq No. 94**)	2126–AB11
349	+ Entry-Level Driver Training (**Section 610 Review**) (**Reg Plan Seq No. 95**)	2126–AB66

+ DOT-designated significant regulation
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
350	+ Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21) (**Reg Plan Seq No. 96**)	2126–AB18
351	+ Electronic Logging Devices and Hours of Service Supporting Documents (MAP–21) (RRR)	2126–AB20

+ DOT-designated significant regulation.
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
352	+ Lease and Interchange of Vehicles; Motor Carriers of Passengers	2126–AB44

+ DOT-designated significant regulation.

FEDERAL RAILROAD ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
353	+ Passenger Equipment Safety Standards Amendments	2130–AC46
354	+ Train Crew Staffing and Location	2130–AC48

+ DOT-designated significant regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
355	+ Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines (**Reg Plan Seq No. 101**)	2137–AE66
356	+ Pipeline Safety: Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards.	2137–AF06
357	+ Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (**Reg Plan Seq No. 103**).	2137–AF08

+ DOT-designated significant regulation.
References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
358	Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry	2137–AE93
359	Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR).	2137–AE94

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
360	+ Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains.	2137–AE91

+ DOT-designated significant regulation.

MARITIME ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
361	+ Cargo Preference	2133–AB74

+ DOT-designated significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Final Rule Stage

336. +Airline Pricing Transparency and Other Consumer Protection Issues

Legal Authority: 49 U.S.C. 41712; 49 U.S.C. 40101; 49 U.S.C. 41702

Abstract: The Department is seeking comment on a number of proposals to enhance protections for air travelers and to improve the air travel environment, including a proposal to clarify and codify the Department's interpretation of the statutory definition of ''ticket agent.'' This NPRM would also require airlines and ticket agents to disclose at all points of sale the fees for certain basic ancillary services associated with the air transportation consumers are buying or considering buying. Other proposals in this NPRM to enhance airline passenger protections include: Expanding the pool of ''reporting'' carriers; requiring enhanced reporting by mainline carriers for their domestic code-share partner operations; requiring large travel agents to adopt minimum customer service standards; codifying the statutory requirement that carriers and ticket agents disclose any code-share arrangements on their Web sites; and prohibiting unfair and deceptive practices such as undisclosed biasing and post-purchase price increases. The Department is also considering whether to require ticket agents to disclose the carriers whose tickets they sell in order to avoid having consumers mistakenly believe they are searching all possible flight options for a particular city-pair market when in fact there may be other options available. Additionally, this NPRM would correct drafting errors and make minor changes to the Department's second Enhancing Airline Passenger Protections rule to conform to guidance issued by the Department's Office of Aviation Enforcement and Proceedings (Enforcement Office) regarding its interpretation of the rule.

Timetable:

Action	Date	FR Cite
NPRM	05/23/14	79 FR 29970
Final Rule	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A Workie, Principal Deputy Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–9342, *TDD Phone:* 202 755–7687, *Fax:* 202 366–7152, *Email: blane.workie@dot.gov*.

RIN: 2105–AE11

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Prerule Stage

337. +Applying the Flight, Duty, and Rest Rules to Tail-End Ferry Operations (FAA Reauthorization

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 40101; 49 U.S.C. 40102; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44105; 49 U.S.C. 44106; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903; 49 U.S.C. 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46103

Abstract: This rulemaking would require a flightcrew member who is employed by an air carrier conducting operations under part 135, and who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times under part 135.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, *Phone:* 202 267–5749, *Email: dale.roberts@faa.gov*.

RIN: 2120–AK26

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Proposed Rule Stage

338. +Airport Safety Management System

Regulatory Plan: This entry is Seq. No. 87 in part II of this issue of the **Federal Register**.

RIN: 2120–AJ38

339. +Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization)

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716; 49 U.S.C. 44717

Abstract: This rulemaking would require a flightcrew member who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times. This rule is necessary as it will make part 121 flight, duty, and rest limits applicable to tail-end ferries that follow an all-cargo flight.

Timetable:

Action	Date	FR Cite
NPRM	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dale Roberts, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, *Phone:* 202 267–5749, *Email: dale.roberts@faa.gov.*

RIN: 2120–AK22

340. +Revision of Airworthiness Standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes

Regulatory Plan: This entry is Seq. No. 89 in part II of this issue of the **Federal Register**.

RIN: 2120–AK65

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Final Rule Stage

341. +Operation and Certification of Small Unmanned Aircraft Systems

Regulatory Plan: This entry is Seq. No. 90 in part II of this issue of the **Federal Register**.

RIN: 2120–AJ60

342. Changing the Collective Risk Limits for Launches and Reentries and Clarifying the Risk Limit Used To Establish Hazard Areas for Ships and Aircraft

Legal Authority: 51 U.S.C. 50901 to 50923

Abstract: This rulemaking would revise the collective risk limits for commercial launches and reentries. With this rulemaking, the FAA would separate its expected-number-of-casualties limits for launches and reentries. For commercial launches, the FAA would aggregate the expected-number-of-casualties posed by the following hazards: (1) Impacting inert and explosive debris, (2) toxic release, and (3) far field blast overpressure to one times ten to the minus four. This rulemaking would also clarify the regulatory requirements concerning hazard areas for ships and aircraft.

Timetable:

Action	Date	FR Cite
NPRM	07/21/14	79 FR 42241
NPRM Comment Period End.	10/20/14	
Final Rule	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rene Rey, Licensing and Safety Division, Office of Commercial Space, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590, *Phone:* 202 267–7538, *Email: rene.rey@faa.gov.*

RIN: 2120–AK06

343. Flight Simulation Training Device (FSTD) Qualification Standards for Extended Envelope and Adverse Weather Event Training

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; Pub. L. 111–216

Abstract: This rulemaking would amend evaluation qualifications for simulators to ensure the simulators are technically capable of performing new flight training tasks as identified in the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Pub. L. 111–216) and that are included in a separate rulemaking (2120–AJ00). By ensuring the simulators provide an accurate and realistic simulation, this rulemaking would allow for training on the following tasks: (1) Full/aerodynamic stall, and (2) upset recognition and recovery, as identified in Pub. L. 111–216. Furthermore, this rulemaking would improve the minimum FSTD evaluation requirements for gusting crosswinds (takeoff/landing), engine and airframe icing, and bounced landing recovery methods in response to NTSB and Aviation Rulemaking Committee recommendations. The intended effect is to ensure an adequate level of simulator fidelity.

Timetable:

Action	Date	FR Cite
NPRM	07/10/14	79 FR 39461
NPRM Comment Period Extended.	09/16/14	79 FR 55407
NPRM Comment Period End.	10/08/14	
Comment Period Extended.	01/06/15	
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Larry McDonald, Department of Transportation, Federal Aviation Administration, PO Box 20636, Atlanta, GA 30320, *Phone:* 404–474–5620, *Email: larry.e.mcdonald@faa.gov.*

RIN: 2120–AK08

344. Acceptance Criteria for Portable Oxygen Concentrators Used Onboard Aircraft (RRR)

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40103; 49 U.S.C. 40105; 49 U.S.C. 40109; 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 40120; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44110; 49 U.S.C. 44111; 49 U.S.C. 44502; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44704; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722;

49 U.S.C. 45101 to 45105; 49 U.S.C. 46102; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315; 49 U.S.C. 46316; 49 U.S.C. 46504; 49 U.S.C. 46506; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; 61 Stat. 1180—articles 12 and 29

Abstract: This rulemaking would establish FAA acceptance criteria for portable oxygen concentrators (POC) used by passengers in air carrier operations, commercial operations, and certain other operations using large aircraft. To identify POCs that satisfy the FAA acceptance criteria, POC manufacturers will affix a label on the exterior of the device. With the establishment of POC acceptance criteria, the FAA will discontinue the use of Special Federal Aviation Regulation (SFAR) No. 106 (''the SFAR''), removing it from title 14, of the Code of Federal Regulations (14 CFR) parts 121, 125, and 135. POCs currently identified in the SFAR will continue to be identified in the regulatory text of the final rule as approved for use on aircraft and will not require a label prior to use.

Timetable:

Action	Date	FR Cite
NPRM	09/19/14	79 FR 56288
NPRM Comment Period End.	11/18/14	
Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Denise K Deaderick, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, *Phone*: 202 267–8166, *Email: dk.deaderick@faa.gov.*

RIN: 2120–AK32

345. Reciprocal Waivers of Claims for Licensed or Permitted Launch and Reentry Activities (RRR)

Legal Authority: 49 U.S.C. 322; 51 U.S.C. 50910 to 50923

Abstract: This rulemaking would extend the waiver of claims for all the customers involved in a launch or reentry, amend the requirement describing which entities are required to sign the statutorily-mandated waiver of claims, and add a new waiver template for the customer's use. This rulemaking would ease the administrative burden on the customers, licensees, permittees, and the FAA, especially when a new customer is added only a short time before the scheduled launch or reentry.

Timetable:

Action	Date	FR Cite
NPRM	01/13/15	80 FR 2015
NPRM Comment Period End.	03/16/15	
NPRM Comment Period Re-opened.	06/15/15	80 FR 34110
Comment Period End.	07/15/15	
Final Rule	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shirley McBride, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, *Phone:* 202 267–7470, *Email: shirley.mcbride@faa.gov.*

RIN: 2120–AK44

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Long-Term Actions

346. • +Requirements To File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review)

Legal Authority: 49 U.S.C. 40103

Abstract: This rulemaking would add specific requirements for proponents who wish to construct meteorological evaluation towers and other renewable energy projects at or above 100 feet, technologies, to file notice with the FAA of proposal prior to construction.

Timetable:

Action	Date	FR Cite
NPRM	02/00/17	

Regulatory Flexibility Analysis Required: No.

Agency Contact: David Maddox, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, *Phone:* 202 267–7414, *Email: david.maddox@faa.gov.*

RIN: 2120–AK77

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Completed Actions

347. +Prohibition Against Certain Flights Within the Baghdad (ORBB) Flight Information Region (FIR) Amendment

Legal Authority: 126 Stat. 11; 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40101; 49 U.S.C. 40103; 49 U.S.C. 40105; 49 U.S.C. 40113; 49 U.S.C. 40120; 49 U.S.C. 44101; 49 U.S.C. 44111; 49 U.S.C. 44701; 49 U.S.C. 44704; 49 U.S.C. 44709; 49 U.S.C. 44711; 49 U.S.C. 44712; 49 U.S.C. 44715; 49 U.S.C. 44716; 49 U.S.C. 44717; 49 U.S.C. 44722; 49 U.S.C. 46306; 49 U.S.C. 46315; 49 U.S.C. 46316; 49 U.S.C. 46504; 49 U.S.C. 46506; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; 49 U.S.C. 47534; 61 Stat. 1180

Abstract: This action amends Special Federal Aviation Regulation (SFAR) No. 77, section 91.1605, Prohibition Against Certain Flights Within the Territory and Airspace of Iraq, which prohibits certain flight operations in the territory and airspace of Iraq by all United States (U.S.) air carriers, U.S. commercial operators, persons exercising the privileges of a U.S. airman certificate, except when such persons are operating a U.S. registered civil aircraft for a foreign air carrier, and operators of U.S. registered civil aircraft, except when such operators are foreign air carriers. On August 8, 2014, the FAA issued a Notice-to-Airmen (NOTAM) prohibiting flight operations in the ORBB FIR at all altitudes, subject to certain limited exceptions, due to the armed conflict in Iraq. This amendment to SFAR No. 77, section 91.1605, incorporates the flight prohibition set forth in the August 8, 2014, NOTAM into the rule. The FAA is also making technical corrections to a previously published amendment to SFAR No. 77, section 91.1605, revising the approval process for this SFAR for other U.S. Government departments, agencies, and instrumentalities, to make it more similar to the approval process for other recently published flight prohibition SFARs, and adding an expiration date.

Timetable:

Action	Date	FR Cite
Final Action	05/11/15	80 FR 26822
Final Action Effective.	05/11/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael E Filippell, Department of Transportation, Federal Aviation Administration, 800 Independence Ave SW., Washington, DC 20591, *Phone:* 202 267–4129, *Email: michael.e.filippell@faa.gov.*

RIN: 2120–AK60

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

348. +Carrier Safety Fitness Determination

Regulatory Plan: This entry is Seq. No. 94 in part II of this issue of the **Federal Register**.

RIN: 2126–AB11

349. +Entry-Level Driver Training (Section 610 Review)

Regulatory Plan: This entry is Seq. No. 95 in part II of this issue of the **Federal Register**.

RIN: 2126–AB66

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Final Rule Stage

350. +Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)

Regulatory Plan: This entry is Seq. No. 96 in part II of this issue of the **Federal Register**.

RIN: 2126–AB18

351. +Electronic Logging Devices and Hours of Service Supporting Documents (MAP–21) (RRR)

Legal Authority: 49 U.S.C. 31502; 31136(a); Pub. L. 103.311; 49 U.S.C. 31137(a)

Abstract: This rulemaking would establish: (1) Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); (2) requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); (3) requirements concerning HOS supporting documents; and (4) measures to address concerns about harassment resulting from the mandatory use of ELDs.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5537
NPRM Comment Period End.	02/28/11	
NPRM Comment Period Extended.	03/10/11	76 FR 13121
NPRM Comment Period Extended End.	05/23/11	
SNPRM	03/28/14	79 FR 17656
SNPRM Comment Period End.	05/27/14	
Final Rule	11/00/15	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Brian Routhier, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–1225, *Email: brian.routhier@dot.gov.*

RIN: 2126–AB20

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Federal Motor Carrier Safety Administration (FMCSA)

352. +Lease and Interchange of Vehicles; Motor Carriers of Passengers

Legal Authority: 49 U.S.C. 13301; 49 U.S.C. 31136; 49 U.S.C. 31502

Abstract: This rule would adopt regulations governing the lease and interchange of passenger-carrying commercial motor vehicles (CMVs) to: (1) Identify the motor carrier operating a passenger-carrying CMV and responsible for compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and all other applicable Federal regulations; and (2) ensure that a lessor surrenders control of the CMV for the full term of the lease or temporary exchange of CMVs and drivers. This action is necessary to ensure that unsafe passenger carriers cannot evade FMCSA oversight and enforcement by operating under the authority of another carrier that exercises no actual control over those operations. This action will enable the FMCSA, the National Transportation Safety Board (NTSB), and our Federal and State partners to identify motor carriers transporting passengers in interstate commerce and correctly assign responsibility to these entities for regulatory violations during inspections, compliance investigations, and crash studies. It also would provide the general public with the means to identify the responsible motor carrier at the time of transportation. While detailed lease and interchange regulations for cargo-carrying vehicles have been in effect since 1950, this final rule for passenger-carrying CMVs is focused entirely on operational safety.

Timetable:

Action	Date	FR Cite
NPRM	09/20/13	78 FR 57822
NPRM Comment Period End.	11/19/13	
Final Rule	05/27/15	80 FR 30164
Final Rule Effective.	06/27/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Chandler, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5763, *Email: peter.chandler@dot.gov.*

RIN: 2126–AB44

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Proposed Rule Stage

353. +Passenger Equipment Safety Standards Amendments

Legal Authority: 49 U.S.C. 20103

Abstract: This rulemaking would amend 49 CFR part 238 to update existing safety standards for passenger rail equipment. Specifically, the proposed rulemaking would add standards for alternative compliance with requirements for Tier I passenger equipment, increase the maximum authorized speed for Tier II passenger equipment, and add requirements for a new Tier III category of passenger equipment.

Timetable:

Action	Date	FR Cite
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 493–6063, *Email: kathryn.shelton@dot.gov.*

RIN: 2130–AC46

354. +Train Crew Staffing and Location

Legal Authority: 28 U.S.C. 2461, note; 49 CFR 1.89; 49 U.S.C. 20103; 49 U.S.C.

20107; 49 U.S.C. 21301 and 21302; 49 U.S.C. 21304

Abstract: This rulemaking would add minimum requirements for the size of different train crew staffs depending on the type of operation. The minimum crew staffing requirements would reflect the safety risks posed to railroad employees, the general public, and the environment. This rulemaking would also establish minimum requirements for the roles and responsibilities of the second train crew member on a moving train, and promote safe and effective teamwork. Additionally, this rulemaking would permit a railroad to submit information to FRA and seek approval if it wants to continue an existing operation with a one-person train crew or start up an operation with less than two crew members.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 493–6063, *Email: kathryn.shelton@dot.gov.*

RIN: 2130–AC48

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Proposed Rule Stage

355. +Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines

Regulatory Plan: This entry is Seq. No. 101 in part II of this issue of the **Federal Register**.

RIN: 2137–AE66

356. +Pipeline Safety: Amendments to Parts 192 and 195 To Require Valve Installation and Minimum Rupture Detection Standards

Legal Authority: 49 U.S.C. 60101 et seq.*et seq.*

Abstract: This rule would propose installation of automatic shutoff valves, remote controlled valves, or equivalent technology and establish performance based meaningful metrics for rupture detection for gas and liquid transmission pipelines. The overall intent is that rupture detection metrics will be integrated with ASV and RCV placement with the objective of improving overall incident response. Rupture response metrics would focus on mitigating large, unsafe, uncontrolled release events that have a greater potential consequence. The areas proposed to be covered include High Consequence Areas (HCA) for hazardous liquids and HCA, Class 3 and 4 for natural gas (including could affect areas).

Timetable:

Action	Date	FR Cite
NPRM	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lawrence White, Attorney–Advisor, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590, *Phone:* 202 366–4400, *Fax:* 292 366–7041.

RIN: 2137–AF06

357. +Hazardous Materials: Oil Spill Response Plans and Information Sharing for High–Hazard Flammable Trains

Regulatory Plan: This entry is Seq. No. 103 in part II of this issue of the **Federal Register**.

RIN: 2137–AF08

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Final Rule Stage

358. Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would address a number of topics related to the use of plastic pipe in the gas pipeline industry. These topics include certain newer types of plastic pipe such as PE (polyethylene), PA11 (polyamide 11), PA12 (polyamide 12), 50-year markings, design factors, risers, incorporation by reference of certain plastic pipe related standards, and tracking and traceability.

Timetable:

Action	Date	FR Cite
NPRM	05/21/15	80 FR 29263
NPRM Comment Period End.	07/31/15	
Final Rule	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8553, *Email: cameron.satterthwaite@dot.gov.*

RIN: 2137–AE93

359. Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR)

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would address miscellaneous issues that have been raised because of the reauthorization of the pipeline safety program in 2012 and petitions for rulemaking from many affected stakeholders. Some of the issues that this rulemaking would address include: renewal process for special permits, cost recovery for design reviews, and incident reporting.

Timetable:

Action	Date	FR Cite
NPRM	07/10/15	80 FR 39915
NPRM Comment Period End.	09/08/15	
Final Rule	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Gale, Director Standards and Rulemaking, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–0434, *Email: john.gale@dot.gov.*

RIN: 2137–AE94

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Completed Actions

360. +Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains

Legal Authority: 49 U.S.C. 5101 *et seq.*

Abstract: This rulemaking would amend operational requirements for certain trains transporting a large volume of flammable materials, provide improvements in tank car standards, and revise the general requirements for

offerors to ensure proper classification and characterization of mined gases and liquids. These new requirements are designed to lessen the consequences of derailments involving ethanol, crude oil, and certain trains transporting a large volume of flammable materials. The growing reliance on trains to transport large volumes of flammable materials poses a significant risk to life, property, and the environment. The proposed changes also address National Transportation Safety Board (NTSB) recommendations on accurate classification, enhanced tank cars, rail routing, oversight, and adequate response capabilities.

Timetable:

Action	Date	FR Cite
ANPRM	09/06/13	78 FR 54849
ANPRM Comment Period End.	11/05/13	
Comment Period Extended.	11/05/13	78 FR 66326
Comment Period End.	12/05/13	
NPRM	08/01/14	79 FR 45015
NPRM Comment Period End.	09/30/14	
Final Rule	05/08/15	80 FR 26643
Final Rule Effective.	07/07/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ben Supko, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8553, *Email: ben.supko@dot.gov.*

RIN: 2137–AE91

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MARAD)

Proposed Rule Stage

361. +Cargo Preference

Legal Authority: 49 CFR 1.66; 46 app. U.S.C. 1101; 46 app U.S.C. 1241; 46 U.S.C. 2302 (e)(1); Pub. L. 91–469

Abstract: This rulemaking would revise and clarify the cargo preference regulations that have not been revised substantially since 1971. The rulemaking would also implement statutory changes, including section 3511, Public Law 110–417, of The National Defense Authorization Act for FY 2009, which provides enforcement authority.

Timetable:

Action	Date	FR Cite
NPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christine Gurland, Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5157, *Email: christine.gurland@dot.gov.*

RIN: 2133–AB74

[FR Doc. 2015–31008 Filed 12–14–15; 8:45 am]

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FEDERAL REGISTER

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Part XV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY

31 CFR Subtitles A and B

Semiannual Agenda and Fiscal Year 2015 Regulatory Plan

AGENCY: Department of the Treasury.

ACTION: Semiannual regulatory agenda and annual regulatory plan.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order (EO) 12866 (''Regulatory Planning and Review''), which require the publication by the Department of a semiannual agenda of regulations. EO 12866 also requires the publication by the Department of a regulatory plan for the upcoming fiscal year.

FOR FURTHER INFORMATION CONTACT: The Agency Contact identified in the item relating to that regulation.

SUPPLEMENTARY INFORMATION: The semiannual regulatory agenda includes regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or bureau review. For this edition of the regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** publication that includes the Unified Agenda.

Beginning with the fall 2007 edition, the Internet has been the primary medium for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* and *www.regulations.gov*, in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury's printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years.

Brian J. Sonfield,

Deputy Assistant General Counsel for General Law and Regulation.

FINANCIAL CRIMES ENFORCEMENT NETWORK—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
362	Financial Crimes Enforcement Network: Customer Due Diligence Requirements for Financial Institutions ..	1506–AB25

DEPARTMENT OF THE TREASURY (TREAS)

Financial Crimes Enforcement Network (FINCEN)

Final Rule Stage

362. Financial Crimes Enforcement Network: Customer Due Diligence Requirements for Financial Institutions

Legal Authority: 31 U.S.C. 5311 to 5314; 12 U.S.C. 1829b

Abstract: The Financial Crimes Enforcement Network (FinCEN), after consulting with staff from various Federal supervisory authorities, is proposing rules under the Bank Secrecy Act to clarify and strengthen customer due diligence requirements for: (i) Banks; (ii) brokers or dealers in securities; (iii) mutual funds; and (iv) futures commission merchants and introducing brokers in commodities. The proposed rules would contain explicit customer due diligence requirements and would include a new requirement to identify beneficial owners of legal entity customers, subject to certain exemptions.

Timetable:

Action	Date	FR Cite
NPRM	08/04/14	79 FR 45151
NPRM Comment Period End.	10/03/14	
Final Action	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Vallely, Senior Regulatory Program Manager, Department of the Treasury, Financial Crimes Enforcement Network, 2070 Chain Bridge Road, Vienna, VA 22183–2536, *Phone:* 703 905–3851, *Email: michael.vallely@fincen.gov.*

RIN: 1506–AB25

[FR Doc. 2015–31005 Filed 12–14–15; 8:45 am]

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FEDERAL REGISTER

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Part XVI

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised by the agency during the coming months as a result of action taken by the Board.

ADDRESSES: Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Gretchen Jacobs, Access Board, General Counsel, (202) 272–0040 (voice) or (202) 272–0062 (TTY).

Gretchen Jacobs,

General Counsel.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
363	Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way	3014–AA26

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
364	Americans with Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels	3014–AA11

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Final Rule Stage

363. Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

Legal Authority: 42 U.S.C. 12204, Americans With Disabilities Act; 29 U.S.C. 792, Rehabilitation Act

Abstract: This rulemaking would establish accessibility guidelines to ensure that sidewalks and pedestrian facilities in the public right-of-way are accessible to and usable by individuals with disabilities. A Supplemental Notice of Proposed Rulemaking consolidated this rulemaking with RIN 3014–AA41; accessibility guidelines for shared use paths (which are multi-use paths designed primarily for use by bicyclists and pedestrians—including persons with disabilities—for transportation and recreation purposes). The U.S. Department of Justice, U.S. Department of Transportation, and other Federal agencies are expected to adopt the accessibility guidelines for pedestrian facilities in the public right-of-way and for shared use paths, as enforceable standards in separate rulemakings for the construction and alteration of facilities covered by the Americans With Disabilities Act, section 504 of the Rehabilitation Act, and the Architectural Barriers Act.

Timetable:

Action	Date	FR Cite
Notice of Intent to Form Advisory Committee.	08/12/99	64 FR 43980
Notice of Appointment of Advisory Committee Members.	10/20/99	64 FR 56482
Availability of Draft Guidelines.	06/17/02	67 FR 41206
Availability of Draft Guidelines.	11/23/05	70 FR 70734
NPRM	07/26/11	76 FR 44664
NPRM Comment Period End.	11/23/11	
Notice Reopening Comment Period.	12/05/11	76 FR 75844
Reopening NPRM Comment Period End.	02/02/12	
Second NPRM	02/13/13	78 FR 10110
Second NPRM Comment Period End.	05/14/13	
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gretchen Jacobs, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: jacobs@access-board.gov*.

RIN: 3014–AA26

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Long-Term Actions

364. Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels

Legal Authority: 42 U.S.C. 12204, Americans with Disabilities Act of 1990

Abstract: This rulemaking would establish accessibility guidelines to ensure that newly constructed and altered passenger vessels covered by the Americans with Disabilities Act (ADA) are accessible to and usable by individuals with disabilities. The U.S. Department of Transportation and U.S. Department of Justice are expected to adopt the guidelines as enforceable standards in separate rulemakings for the construction and alteration of passenger vessels covered by the ADA.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Advisory Committee.	03/30/98	63 FR 15175
Establishment of Advisory Committee.	08/12/98	63 FR 43136
Availability of Draft Guidelines.	11/26/04	69 FR 69244
ANPRM	11/26/04	69 FR 69246
ANPRM Comment Period Extended.	03/22/05	70 FR 14435

Action	Date	FR Cite
ANPRM Comment Period Extended End.	07/28/05	
Availability of Draft Guidelines.	07/07/06	71 FR 38563
Notice of Intent to Establish Advisory Committee.	06/25/07	72 FR 34653
Establishment of Advisory Committee.	08/13/07	72 FR 45200
NPRM	06/25/13	78 FR 38102
NPRM Comment Period Extended.	08/13/13	78 FR 49248
NPRM Comment Period Extended End.	01/24/14	
Final Action	10/00/17	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gretchen Jacobs, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: jacobs@access-board.gov.*

RIN: 3014–AA11

[FR Doc. 2015–30632 Filed 12–14–15; 8:45 am]

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FEDERAL REGISTER

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Part XVII

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[EPA–HQ–OW–2015–0541; FRL 9934–65–OP]

Fall 2015 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-Agenda) at *http://www.reginfo.gov* and at *www.regulations.gov* to update the public about:

- Regulations currently under development,
- Reviews of existing regulations, and
- Rules completed or canceled since the last agenda.

Definitions

''E-Agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register** but now is only available through an online database.

''Regulatory Flexibility Agenda'' refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. We continue to publish it in the **Federal Register** because it is required by the Regulatory Flexibility Act of 1980.

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the General Service Administration.

''Regulatory Agenda Preamble'' refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both the Regulatory Flexibility Agenda and the e-Agenda.

''Regulatory Development and Retrospective Review Tracker'' refers to an online portal to EPA's priority rules and retrospective reviews of existing regulations. More information about the Regulatory Development and Retrospective Review Tracker appears in section H of this preamble.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the semiannual regulatory agenda, please contact: Caryn Muellerleile (*muellerleile.caryn@epa.gov;* 202–564–2855).

Table of Contents

SUPPLEMENTARY INFORMATION:

A. Links to EPA's Regulatory Information

- Semiannual Regulatory Agenda: *www.reginfo.gov/* and *www.regulations.gov*.
- Semiannual Regulatory Flexibility Agenda: *http://www.gpo.gov/fdsys/search/home.action*.
- Regulatory Development and Retrospective Review Tracker: *www.epa.gov/regdarrt/*.

B. What key statutes and executive orders guide EPA's rule and policymaking process?

A number of environmental laws authorize EPA's actions, including but not limited to:

- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

Not only must EPA comply with environmental laws, but also administrative legal requirements that apply to the issuance of regulations, such as: the Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous Executive Orders: 12866, ''Regulatory Planning and Review'' (58 FR 51735, Oct. 4, 1993), as supplemented by Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, Jan. 21, 2011); 12898, ''Environmental Justice'' (59 FR 7629, Feb. 16, 1994); 13045, ''Children's Health Protection'' (62 FR 19885, Apr. 23, 1997); 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999); 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, Nov. 9, 2000); 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

In addition to meeting its mission goals and priorities, EPA reviews its existing regulations under Executive Order 13563, ''Improving Regulation and Regulatory Review.'' This Executive order provides for periodic retrospective review of existing regulations and is intended to determine whether any such regulations should be modified, streamlined, expanded, or repealed, so as to make the Agency's regulatory program more effective or less burdensome in achieving its regulatory objectives.

C. How can you be involved in EPA's rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed rules published in the **Federal Register** (FR).

Instructions on how to submit your comments are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position and you also should explain why EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

EPA believes its actions will be more cost effective and protective if the

development process includes stakeholders working with us to help identify the most practical and effective solutions to problems. EPA encourages you to become involved in its rule and policymaking process. For more information about public involvement in EPA activities, please visit *www2.epa.gov/open.*

D. What actions are included in the E-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the CAA: Revisions to State implementation plans; equivalent methods for ambient air quality monitoring; deletions from the new source performance standards source categories list; delegations of authority to States; area designations for air quality planning purposes;
- Under FIFRA: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under RCRA: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the CWA: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under SDWA: Actions on State underground injection control programs.

Meanwhile, the Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the RFA.

EPA is initiating one 610 review at this time.

E. How is the E-Agenda organized?

You can choose how to organize the agenda entries online by specifying the characteristics of the entries of interest in the desired individual data fields for both the *www.reginfo.gov* and *www.regulations.gov* versions of the e-Agenda. You can sort based on the following characteristics: EPA subagency; stage of rulemaking, which is explained below; alphabetically by title; and by the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Prerule Stage—This section includes EPA actions generally intended to determine whether the agency should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as Advance Notices of Proposed Rulemaking (ANPRMs), studies, or analyses of the possible need for regulatory action.

2. Proposed Rule Stage—This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings [NPRMs]).

3. Final Rule Stage—This section includes rules that will be issued as a final rule within a year.

4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action is after November 2016. We urge you to explore becoming involved even if an action is listed in the Long-Term category.

5. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2015 Agenda. It also includes actions that EPA is no longer considering and has elected to ''withdraw.'' EPA also announces the results of any RFA section 610 review in this section of the agenda.

F. What information is in the Regulatory Flexibility Agenda and the E-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule, and Contact Person. Note that the electronic version of the Agenda (e-Agenda) has more extensive information on each of these actions.

E-Agenda entries include:

Title: A brief description of the subject of the regulation. The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

Priority: Entries are placed into one of five categories described below.

a. Economically Significant: Under Executive Order 12866, a rulemaking that may have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

b. Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or

3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

c. Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (*e.g.,* certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget under Executive Order 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

e. Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of Executive Order 12866.

Major: A rule is ''major'' under 5 U.S.C. 801 if it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act.

Unfunded Mandates: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*). The Act generally requires that federal agencies prepare a written statement, including a cost-

benefit analysis, for each proposed and final rule with ''federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year.

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 10/00/16 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments, or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to 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.

Energy Impacts: Indicates whether the action is a significant energy action under Executive Order 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and email address, if available, of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the Internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part. (Note: To submit comments on proposals, you can go to the associated electronic docket, which is housed at *www.regulations.gov.* Once there, follow the online instructions to access the docket in question and submit comments. A docket identification [ID] number will assist in the search for materials.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN identify the EPA office with lead responsibility for developing the action.

G. How can you find out about rulemakings that start up after the Regulatory Agenda is signed?

EPA posts monthly information of new rulemakings that the Agency's senior managers have decided to develop. This list is also distributed via email. You can find the current list, known as the Action Initiation List (AIL), at *http://www2.epa.gov/laws-regulations/actions-initiated-month* where you will also find information about how to get an email notification when a new list is posted.

H. What tools are available for mining Regulatory Agenda data and for finding more about EPA rules and policies?

1. The http://www.reginfo.gov/ Searchable Database

The Regulatory Information Service Center and Office of Information and Regulatory Affairs have a Federal regulatory dashboard that allows users to view the Regulatory Agenda database (*http://www.reginfo.gov/public/do/eAgendaMain*), which includes search, display, and data transmission options.

2. Subject Matter EPA Web sites

Some actions listed in the Agenda include a URL that provides additional information about the action.

3. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically establishes a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to a particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for RFA section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at *www.regulations.gov.*

4. EPA's Regulatory Development and Retrospective Review Tracker

EPA's Regulatory Development and Retrospective Review Tracker (*www.epa.gov/regdarrt/*) serves as a portal to EPA's priority rules, providing you with earlier and more frequently updated information about Agency regulations than is provided by the Regulatory Agenda. It also provides information about retrospective reviews of existing regulations. Not all of EPA's Regulatory Agenda entries appear on Reg DaRRT; only priority rulemakings can be found on this Web site.

I. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. EPA is initiating one 610 review at this time.

Review title	RIN	Docket ID #
Section 610 Review of National Primary Drinking Water Regulations: Ground Water Rule.	2040–AF58	EPA–HQ–OW–2015–0541

EPA established an official public docket for the 610 Review. If you would like to provide feedback, submit your comments, identified by Docket ID No. EPA–HQ–OW–2015–0541, to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. 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. 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 generally will 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.*

J. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

For each of EPA's rulemakings, consideration is given whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit EPA's RFA/SBREFA Web site at *http://www2.epa.gov/reg-flex.*

K. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face, and the regulatory agenda is an important part of that process.

Dated: September 21, 2015.

Shannon Kenny,

Principal Deputy Associate Administrator, Office of Policy.

10—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
365	Oil and Natural Gas Sector: Emission Standards for New and Modified Sources **(Reg Plan Seq No. 105)**	2060–AS30

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

10—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
366	General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Six Source Categories.	2060–AR98
367	Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2 **(Reg Plan Seq No. 115)**.	2060–AS16

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

10—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
368	Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014.	2060–AS78

10—Completed Actions

Sequence No.	Title	Regulation Identifier No.
369	NESHAP for Brick and Structural Clay Products Manufacturing and NESHAP for Clay Ceramics Manufacturing.	2060–AP69

35—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
370	Formaldehyde Emission Standards for Composite Wood Products **(Reg Plan Seq No. 119)**	2070–AJ44

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

35—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
371	Formaldehyde Emissions Standards for Composite Wood Products	2070–AJ92

60—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
372	Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry **(Reg Plan Seq No. 111)**.	2050–AG61

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

72—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
373	Section 610 Review of National Primary Drinking Water Regulations: Ground Water Rule **(Section 610 Review)**.	2040–AF58

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Proposed Rule Stage

365. Oil and Natural Gas Sector: Emission Standards for New and Modified Sources

Regulatory Plan: This entry is Seq. No. 105 in part II of this issue of the **Federal Register**.

RIN: 2060–AS30

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Final Rule Stage

366. General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Six Source Categories

Legal Authority: 42 U.S.C. 7401 *et seq.* Clean Air Act

Abstract: The Tribal Minor New Source Review (NSR) program applies to new and modified minor sources and minor modifications at major sources of air pollution in Indian country. The program, established in 2011, is implemented through issuance of preconstruction permits that can include, among other requirements, pollutant emission limits for minor sources and emission limitations on the potential of sources to emit pollution that would otherwise be considered major sources. This minor source program for Indian country is similar to State minor NSR programs. State minor NSR programs often use general permits, and a few State programs allow permits by rule as streamlined permitting approaches for similar emission units or stationary sources. This action finalizes general permits and permits by rule for certain source categories of minor sources wishing to locate in Indian country. This action finalizes general permits for the following five source categories: Boilers, spark ignition engines, compression ignition engines, concrete batch plants, and sawmills. This action finalizes a general permit (and a permit by rule in the alternative) for graphic arts and printing operations.

Timetable:

Action	Date	FR Cite
NPRM	07/17/14	79 FR 41845
NPRM Comment Period Extended.	08/19/14	79 FR 49031
Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chris Stoneman, Environmental Protection Agency, Air and Radiation, C304–01, Research Triangle Park, NC 27711, *Phone:* 919 541–0823, *Fax:* 919 541–0072, *Email: stoneman.chris@epa.gov.*

Mark Sendzik, Environmental Protection Agency, Air and Radiation, C304–03, Research Triangle Park, NC 27711, *Phone:* 919 541–5534, *Fax:* 919 541–0942, *Email: sendzik.mark@epa.gov.*

RIN: 2060–AR98

367. Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2

Regulatory Plan: This entry is Seq. No. 115 in part II of this issue of the **Federal Register**.

RIN: 2060–AS16

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Long-Term Actions

368. • Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014

Legal Authority: 42 U.S.C. 7401 *et seq.* Clean Air Act

Abstract: The EPA is planning to finalize Federal plans for Greenhouse Gas Emissions from Electric Generating Units for States that do not submit plans or initial submittals by September 6, 2016. This plan is part of the President's June 2013 Climate Action Plan to reduce carbon emissions from the power sector by 30 percent below 2005 levels. This Federal plan serves to set in place a plan that the EPA can implement for States that do not develop a State plan. In a separate action, the EPA is finalizing model trading rules that the States can follow in developing their own plans in order to capitalize on the flexibility built into the final emission guidelines (EGs). The EPA intends to finalize both the rate-based and mass-based model trading rules in summer 2016. The EPA sees this Federal plan as an interim measure to ensure that congressionally mandated emission standards under authority of sections 111 and 129 of the Clean Air Act are implemented until States assume their role as the preferred implementers of the EGs. The EPA will finalize a Federal plan for only a given State in the event that the State does not submit an approvable plan by the deadlines specified in the final EGs and the EPA takes action finding that the State has failed to submit a plan, or disapproving a submitted plan because it does not meet the requirements of the EGs. Indeed, States may simply choose to accept a Federal plan for their sources rather than undertake the development of a plan of their own by not submitting a State plan. Under this final rule, a Federal plan promulgated for a particular State would take the form of either the mass-based model trading rule or the rate-based model trading rule.

Timetable:

Action	Date	FR Cite
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Toni Jones, Environmental Protection Agency, Air and Radiation, E143–03, Research Triangle Park, NC 27711, *Phone:* 919 541–0316, *Fax:* 919 541–3470, *Email: jones.toni@epamail.epa.gov.*

Nicholas Swanson, Environmental Protection Agency, Air and Radiation, E143–03, Research Triangle Park, NC 27711, *Phone:* 919 541–4080, *Fax:* 919 541–1039, *Email: swanson.nicholas@epa.gov.*

RIN: 2060–AS78

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Completed Actions

369. NESHAP for Brick and Structural Clay Products Manufacturing and NESHAP for Clay Ceramics Manufacturing

Legal Authority: 42 U.S.C. 7401 *et seq.* Clean Air Act

Abstract: This final rulemaking establishes emission limits for hazardous air pollutants (hydrogen flouride (HF), hydrogen chloride (HCl), chlorine (Cl^2), particulate matter (PM), dioxin/furan, mercury (Hg) and metals) emitted from brick and clay ceramics kilns, as well as dryers and glazing operations at clay ceramics production facilities. The brick and structural clay products industry primarily includes facilities that manufacture brick, clay, pipe, roof tile, extruded floor and wall tile, and other extruded dimensional clay products from clay, shale, or a combination of the two. The manufacturing of brick and structural clay products involves mining, raw material processing (crushing, grinding, and screening), mixing, forming, cutting or shaping, drying, and firing. Ceramics are defined as a class of inorganic, nonmetallic solids that are subject to high temperature in manufacture and/or use. The clay ceramics manufacturing source category includes facilities that manufacture traditional ceramics, which include ceramic tile, dinnerware, sanitary ware, pottery, and porcelain. The primary raw material used in the manufacture of these traditional ceramics is clay. The manufacturing of clay ceramics involves raw material processing (crushing, grinding, and screening), mixing, forming, shaping, drying, glazing, and firing.

Timetable:

Action	Date	FR Cite
NPRM	12/18/14	79 FR 75621
NPRM Comment Period Extended.	12/31/14	79 FR 78768
Final Rule	10/26/15	80 FR 65469
Final Rule Effective.	12/28/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sharon Nizich, Environmental Protection Agency, Air and Radiation, D243, Research Triangle Park, NC 27711, *Phone:* 919 541–2825, *Fax:* 919 541–5450, *Email: nizich.sharon@epamail.epa.gov.*

Keith Barnett, Environmental Protection Agency, Air and Radiation, D243–04, Research Triangle Park, NC 27711, *Phone:* 919 541–5605, *Fax:* 919 541–5450, *Email: barnett.keith@epa.gov.*

RIN: 2060–AP69

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Final Rule Stage

370. Formaldehyde Emission Standards for Composite Wood Products

Regulatory Plan: This entry is Seq. No. 119 in part II of this issue of the **Federal Register**.

RIN: 2070–AJ44

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Completed Actions

371. Formaldehyde Emissions Standards for Composite Wood Products

Legal Authority: 15 U.S.C. 2697 Toxic Substances Control Act

Abstract: This entry addressed one of two rulemakings that have now been combined into a single entry under RIN 2070–AJ44. As noted in the previously published Regulatory Agenda entry for each rulemaking, EPA has decided to issue a single final rule that addresses both of the 2013 proposals. Therefore, this action is being withdrawn as a separate entry because it has been combined and is now included under the entry entitled ''Formaldehyde Emissions Standards for Composite Wood Products '' (RIN 2070–AJ44).

Timetable:

Action	Date	FR Cite
NPRM	06/10/13	78 FR 34820
NPRM Comment Period Extended.	07/23/13	78 FR 44089

Action	Date	FR Cite
NPRM Comment Period Extended.	08/21/13	78 FR 51695
Notice	04/08/14	79 FR 19305
NPRM Comment Period Extended.	05/09/14	79 FR 26678
Withdrawn	08/20/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, *Phone:* 202 566–0484, *Email: wheeler.cindy@epa.gov.*

Erik Winchester, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, *Phone:* 202 564–6450, *Email: winchester.erik@epa.gov.*

RIN: 2070–AJ92

ENVIRONMENTAL PROTECTION AGENCY (EPA)

60

Proposed Rule Stage

372. Financial Responsibility Requirements Under CERCLA Section 108(B) for Classes of Facilities in the Hard Rock Mining Industry

Regulatory Plan: This entry is Seq. No. 111 in part II of this issue of the **Federal Register**.

RIN: 2050–AG61

ENVIRONMENTAL PROTECTION AGENCY (EPA)

72

Prerule Stage

373. • Section 610 Review of National Primary Drinking Water Regulations: Ground Water Rule (Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: EPA published the Ground Water Rule (GWR) in the **Federal Register** on November 8, 2006. The purpose of the rule is to provide for increased protection against microbial pathogens in public water systems that use ground water sources. EPA is particularly concerned about ground water systems that are susceptible to fecal contamination since disease-causing pathogens may be found in fecal contamination. The GWR applies to public water systems that serve ground water. The rule also applies to any system that mixes surface and ground water if the ground water is added directly to the distribution system and provided to consumers without treatment. This new entry in the regulatory agenda announces that EPA will review this action in the fall of 2015 pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). As part of this review, EPA solicits comments for consideration on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. Submit your comments, identified by Docket ID No. EPA–HQ–OW–2015–0541 to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Timetable:

Action	Date	FR Cite
Final Rule	11/08/06	71 FR 65573
Begin Review	11/00/15	
End Review	04/00/16	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Crystal Rodgers–Jenkins, Environmental Protection Agency, Water, 4607M, Washington, DC 20460, *Phone:* 202 564–5275, *Fax:* 202 564–3767, *Email: rodgers-jenkins.crystal@epa.gov.*

Stephanie Flaharty, Environmental Protection Agency, Water, 4601M, Washington, DC 20460, *Phone:* 202 564–5072, *Email: flaharty.stephanie@epa.gov.*

RIN: 2040–AF58

[FR Doc. 2015–30656 Filed 12–14–15; 8:45 am]

BILLING CODE 6560–50–P

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Part XVIII

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 102, 300, and 301

48 CFR Chapter 5

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the spring 2015 edition. This agenda was developed under the guidelines of Executive Order 12866 ''Regulatory Planning and Review.'' The Agency's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process and also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. Proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.regulations.gov*.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA's regulatory plan.

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Division Director, Regulatory Secretariat Division at (202) 501–4755.

Dated: September 18, 2015.

Christine Harada,

Associate Administrator, Office of Government-wide Policy.

GENERAL SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
374	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G512, Unenforceable Commercial Supplier Agreement Terms.	3090–AJ67

GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
375	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2010–G511, Purchasing by Non-Federal Entities.	3090–AJ43
376	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G504, Transactional Data Reporting.	3090–AJ51
377	General Services Administration Regulation (GSAR); GSAR Case 2015–G508, Removal of Unnecessary Construction Clauses and Editorial Changes.	3090–AJ57

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Proposed Rule Stage

374. • General Services Administration Acquisition Regulation (GSAR); GSAR Case 2015–G512, Unenforceable Commercial Supplier Agreement Terms

Legal Authority: 40 U.S.C. 121(c)

Abstract: GSA is proposing to amended the General Services Administration Acquisition Regulation (GSAR) to streamline the evaluation process to award contracts containing commercial supplier agreements Government and industry often spend significant time negotiating elements common in almost every commercial supplier agreement where the terms conflict with federal law. Past negotiations would always lead to deleting the terms from the contract, but only after several rounds of legal review by both parties. This case would explore methods for automatically nullifying these common terms out of contracts.

Timetable:

Action	Date	FR Cite
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Fry, Program Analyst, General Services Administration, 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–3167, *Email: janet.fry@gsa.gov*.

RIN: 3090–AJ67

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Final Rule Stage

375. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2010–G511, Purchasing by Non-Federal Entities

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR), to implement the Federal Supply Schedules Usage Act of 2010 (FSSUA), the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 (NAHASDA), the John Warner National Defense Authorization Act for Fiscal Year 2007 (NDAA), and the Local Preparedness Acquisition Act for Fiscal

Year 2008 (LPAA), to provide increased access to GSA's Federal Supply Schedules (Schedules). The Federal Supply Schedule Contracting and Solicitation Provisions and Contract Clauses, in regard to this statutory implementation. This case is included in GSA's retrospective review of existing regulations under Executive Order 13563. Additional information is located in GSA's retrospective review (2015), available at: *www.gsa.gov/improvingregulations*.

Timetable:

Action	Date	FR Cite
NPRM	04/17/14	79 FR 21691
NPRM Comment Period End.	06/16/14	
Final Rule	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana L Munson, Procurement Analyst, General Services Administration, 1800 F Street NW., Washington, DC 20405, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov*.

RIN: 3090–AJ43

376. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G504, Transactional Data Reporting

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is issuing a final rule amending the General Services Administration Acquisition Regulation (GSAR) to require vendors to report transactional data from orders and prices paid by ordering activities. This includes orders placed against both Federal Supply Schedule (FSS) contract vehicles and GSA's non-FSS contract vehicles, Governmentwide Acquisition Contracts (GWACs) and Multi-Agency Contracts (MACs).

Once implemented, the new GSAR transactional data reporting clauses will enable GSA to provide Federal agencies with further market intelligence and expert guidance in procuring goods and services in each category of GSA acquisition vehicles. The new requirement will not affect the Department of Veterans Affairs (VA) FSS contract holders.

The proposed amendment to the GSAR will add an alternate version of the existing GSAR clause 552.238–74 Industrial Funding Fee and Sales Reporting (IFF) (Federal Supply Schedule) and a new GSAR clause 552.216–75 Sales Reporting and Fee Remittance. Under the FSS program, vendors that agree to the new transactional reporting requirement will have their contracts modified with an alternate version of clause 552.238–75 Price Reductions; the alternate version of clause 552.238–75 does not require the vendor to monitor and provide price reductions to the Government when the customer or category of customer upon which the contract was predicated receives a discount. GSA will implement the new transactional data reporting requirements in phases, beginning with specific contract vehicles, including a few select Federal Supply Schedules, or Special Item Numbers that show the greatest potential to optimize transactional data via category management and reduced price variability. GSA will engage stakeholders throughout the phases of the implementation.

GSA is reviewing the public comments received and analyzing alternatives for issuing collecting transactional data, including the potential publication of a final rule.

Timetable:

Action	Date	FR Cite
NPRM	03/04/15	80 FR 11619
NPRM Comment Period End.	05/04/15	
NPRM Comment Period Extended.	05/06/15	80 FR 25994
NPRM Comment Period Extended End.	05/11/15	
Final Rule	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Leah Price, Procurement Analyst, General Services Administration, 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–2558, *Email: leah.price@gsa.gov*.

RIN: 3090–AJ51

377. General Services Administration Regulation (GSAR); GSAR CASE 2015–G508, Removal of Unnecessary Construction Clauses and Editorial Changes

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to revise GSAR part 536, Construction and Architect-Engineer Contracts, and corresponding provisions and clauses in GSAR part 552, Solicitation Provisions and Contract Clauses, to remove unnecessary construction clauses. These provisions and clauses are now covered in the FAR or are otherwise no longer necessary for the agency. Removing these clauses simplifies contract terms and conditions, reduces regulatory burden to contractors, and eliminates any conflict with language contained in construction contract technical specifications.

Timetable:

Action	Date	FR Cite
NPRM	07/30/15	80 FR 45498
NPRM Comment Period End.	09/28/15	
Final Rule	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christina Mullins, Procurement Analyst, General Services Administration, 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969–4966, *Email: christina.mullins@gsa.gov*.

RIN: 3090–AJ57

[FR Doc. 2015–30661 Filed 12–14–15; 8:45 am]

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Part XIX

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of the knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESSES: Deputy Associate Administrator, Office Mission Support Directorate, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Cheryl E. Parker, (202) 358–0252.

SUPPLEMENTARY INFORMATION: OMB guidelines dated August 13, 2015, ''Fall 2015 Data Call for the Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,'' require a regulatory agenda of those regulations under development and review to be published in the **Federal Register** each spring and fall.

Dated: September 18, 2015.

Daniel Tenney,

Deputy Associate Administrator, Office of the Mission Support Directorate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
378	Processing of Monetary Claims **(Section 610 Review)**	2700–AD83
379	Discrimination on Basis of Disability in Federally Assisted and Federally Conducted Programs and Activities **(Section 610 Review)**.	2700–AD85
380	NASA FAR Supplement, Safety and Health Measures and Mishap Reporting **(Section 610 Review)**	2700–AE16
381	NASA FAR Supplement Drug and Alcohol Free Workforce and Mission Critical Systems Personnel Reliability Program **(Section 610 Review)**.	2700–AE17
382	NASA Protective Services Traffic Enforcement **(Section 610 Review)**	2700–AE24

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

378. Processing of Monetary Claims (Section 610 Review)

Legal Authority: 31 U.S.C. sec 3711

Abstract: NASA is amending its regulations at 14 CFR 1261 to make non-substantive changes in the amount to collect installment payments from $20,000 to $100,000 to align with title 31 subchapter II Claims of the United States Government section 3711(a)(2) Collection and Compromise. Subpart 4 prescribes standards for the administrative collection compromise suspension or termination of collection and referral to the Government Accountability Office (GAO) and/or to the Department of Justice for litigation of civil claims as defined by 31 U.S.C. 3701(b) arising out of the activities of designated NASA officials authorized to effect actions and requires compliance with GAO/DOJ joint regulations at 4 CFR parts 101–105 and the Office of Personnel Management regulations at 5 CFR part 550 subpart K. There are also some statute citation and terminology updates. The revisions to this rule are part of NASA's retrospective plan under Executive Order 13563 completed in August 2011. NASA's full plan can be accessed at: *http://www.nasa.gov/open.*

Timetable:

Action	Date	FR Cite
Direct Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Laura Burns, Law Librarian, National Aeronautics and Space Administration, Office of the General Counsel, 300 E Street SW., Washington, DC 20546, *Phone:* 202 358–2078, *Fax:* 202 358–4955, *Email: laura.burns-1@nasa.gov.*

RIN: 2700–AD83

379. Discrimination on Basis of Disability in Federally Assisted and Federally Conducted Programs and Activities (Section 610 Review)

Legal Authority: 29 U.S.C. 794, sec 504 of the Rehabilitation Act of 1973, amended

Abstract: NASA is finalizing its regulations at 14 CFR 1251 for its section 504 regulations to incorporate changes to the definition of disability required by the Americans with Disabilities Act (ADA) Amendments Act of 2008, include an affirmative statement of the longstanding requirement for reasonable accommodations in programs, services, and activities, include a definition of direct threat and a provision describing the parameters of the existing direct threat defense to a claim of discrimination, clarify the existing obligation to provide auxillary aids and services to qualified individuals with disabilities, update the methods of communication that recipients may use to inform program beneficiaries of their obligation to comply with section 504 to reflect changes in technology, adopt updated accessibility standards applicable to the design, and construction, and alteration of buildings and facilities, establish time periods for compliance with these updated accessibility standards, provide NASA with access to recipient data and records to determine compliance with section 504, and make administrative updates to correct titles.

Timetable:

Action	Date	FR Cite
NPRM	11/13/14	79 FR 67384
NPRM Comment Period End.	12/15/14	
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Robert W Cosgrove, External Compliance Manager, National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20546, *Phone:* 202 358–0446, *Fax:* 202 358–3336, *Email: robert.cosgrove@nasa.gov.*

RIN: 2700–AD85

380. NASA FAR Supplement, Safety and Health Measures and Mishap Reporting (Section 610 Review)

Legal Authority: Not Yet Determined

Abstract: NASA is finalizing its regulations at 48 CFR 1852.223 to revise a current clause related to safety and health measures and mishaps reporting by narrowing the application of the clause, resulting in a decrease in the reporting burden on contractors while reinforcing the measures contractors at NASA facilities must take to protect the

safety of their workers, NASA employees, the public, and high value assets.

Timetable:

Action	Date	FR Cite
NPRM	08/12/15	80 FR 48282
NPRM Comment Period End.	10/13/15	
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Manuel Quinones, Program Analyst, Office of Procurement, National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20746, *Phone:* 202 358–2143, *Email: manuel.quinones@nasa.gov*.

RIN: 2700–AE16

381. NASA FAR Supplement Drug and Alcohol Free Workforce and Mission Critical Systems Personnel Reliability Program (Section 610 Review)

Legal Authority: 51 U.S.C. 20113(c)

Abstract: NASA amended its regulations at 48 CFR 1823, 1846, and 1852 to remove requirements related to the discontinued Space Flight Mission Critical Systems Personnel Reliability Program and to revise requirements related to contractor drug and alcohol testing.

Timetable:

Action	Date	FR Cite
NPRM	05/08/15	80 FR 26519
NPRM Comment Period End.	07/07/15	
Final Rule	10/07/15	80 FR 60552
Final Rule Effective.	11/06/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Manuel Quinones, Program Analyst, Office of Procurement, National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20746, *Phone:* 202 358–2143, *Email: manuel.quinones@nasa.gov*.

RIN: 2700–AE17

382. • NASA Protective Services Traffic Enforcement (Section 610 Review)

Legal Authority: 51 U.S.C. 20113; 18 U.S.C. 799; 5 U.S.C. 301

Abstract: NASA published a final rule in the **Federal Register** at 79 FR 54902 on September 15, 2014, to add subpart 11, Enforcing Traffic Laws at NASA Centers and Component Facilities, that establishes traffic enforcement regulations, authorities, and procedures at all NASA Centers and component facilities. NASA is amending these regulations to make nonsubstantive changes to correct citations, and to clarify the scope, policy, responsibilities, procedures, and violations described in these regulations. Amendments to this rule aligns part 1204 with NASA objectives in the protection of its people and property. The revisions to this rule are part of NASA's retrospective plan under Executive Order 13563 completed in August 2011.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Charles Edward Lombard, Deputy Assistant Administrator, Office of Protective Services, National Aeronautics and Space Administration, NASA HQ 9V80, 300 E Street SW., Washington, DC 20546, *Phone:* 202 358–0891, *Email: charles.e.lombard@nasa.gov*.

RIN: 2700–AE24

[FR Doc. 2015–30662 Filed 12–14–15; 8:45 am]

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FEDERAL REGISTER

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Part XX

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This Regulatory Agenda is a semiannual summary of all current and projected rulemakings and completed actions of the Small Business Administration (SBA). SBA expects that this summary information will enable the public to be more aware of, and effectively participate in, SBA's regulatory activity. SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments or inquiries to Imelda A. Kish, Law Librarian, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 205–6849, *imelda.kish@sba.gov*.

Specific

Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: SBA provides this notice under the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 and Executive Order 12866, ''Regulatory Planning and Review,'' which require each agency to publish a semiannual agenda of regulations. The Regulatory Agenda is a summary of all current and projected Agency rulemakings, as well as actions completed since the publication of the last Regulatory Agenda. SBA's last Semiannual Regulatory Agenda was published on June 18, 2015, at 80 FR 35098. The Semiannual Agenda of the SBA conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Beginning with the fall 2007 edition, the Unified Agenda has been disseminated via the Internet. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that greatly enhances a user's ability to obtain information about the rules in SBA's Agenda.

The Regulatory Flexibility Act requires federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. Therefore, SBA's printed agenda entries include regulatory actions that are in the SBA's regulatory flexibility agenda because they are likely to have a significant economic impact on a substantial number of small entities. Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Dated: September 28, 2015.

Maria Contreras-Sweet,

Administrator.

SMALL BUSINESS ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
383	Immediate, Expedited, and Private Disaster Assistance Loan Programs	3245–AF99
384	Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification.	3245–AG75

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
385	Small Business Development Center Program Revisions	3245–AE05
386	Loan Program Miscellaneous Amendments	3245–AF85
387	Office of Women Owned Business: Women's Business Center Program	3245–AG02
388	Small Business HUBZone Program	3245–AG38
389	Small Business Investment Company (SBIC) Program; Impact SBICs **(Reg Plan Seq No. 125)**	3245–AG66
390	Small Business Investment Companies; Revisions to Passive Business Regulations & Technical Clarifications.	3245–AG67
391	Small Business Timber Set Aside Program	3245–AG69
392	Credit for Lower Tier Small Business Subcontracting	3245–AG71
393	Affiliation for Business Loan Programs and Surety Bond Guarantee Program **(Reg Plan Seq No. 126)**	3245–AG73

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
394	Small Business Mentor-Protégé Programs **(Reg Plan Seq No. 127)**	3245–AG24
395	Agent Revocation and Suspension Procedures	3245–AG40
396	Small Business Size Standards: Employee Based Size Standards in Wholesale Trade and Retail Trade	3245–AG49
397	Small Business Size Standards for Manufacturing	3245–AG50
398	Small Business Size Standards: Industries With Employee Based Size Standards Not Part of Manufacturing, Wholesale Trade, or Retail Trade.	3245–AG51
399	Small Business Government Contracting and National Defense Authorization Act of 2013 Amendments **(Reg Plan Seq No. 128)**.	3245–AG58
400	Small Business Size Standards: Inflation Adjustment to Monetary Based Size Standards	3245–AG60

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
401	Surety Bond Guarantee Program; Miscellaneous Amendments	3245–AG70

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

SMALL BUSINESS ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
402	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs	3245–AG16
403	Record Disclosure and Privacy	3245–AG52

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
404	Implementation of Small Business Disaster Response and Loan Improvement Act: Expedited Disaster Assistance Program.	3245–AF88
405	Advisory Small Business Size Decisions	3245–AG59
406	Women-Owned Small Business Federal Contract Program	3245–AG72

SMALL BUSINESS ADMINISTRATION (SBA)

Prerule Stage

383. Immediate, Expedited, and Private Disaster Assistance Loan Programs

Legal Authority: 15 U.S.C. 636(c); 15 U.S.C. 636(j); 15 U.S.C. 657(n)

Abstract: Through this advanced notice of proposed rulemaking, SBA will solicit comments from potential lenders and the public on three guaranteed disaster loan programs: (1) The expedited disaster assistance program (EDAP), under which the SBA would guarantee short-term loans of up to $150,000 made by private lenders to eligible small businesses located in a catastrophic disaster area; (2) the private disaster assistance program (PDAP), under which SBA would guarantee loans of up to $2 million made by private lenders to eligible small businesses and homeowners located in a catastrophic disaster area; and (3) the immediate disaster assistance program (IDAP), under which the SBA would guarantee interim loans of up to $25,000 made by private lenders to eligible small businesses, which would then be repaid with the proceeds of SBA direct disaster loans. SBA will seek input on what program features would be required for lenders to participate in these guaranteed disaster loan programs. SBA plans to use this feedback in drafting proposed rules for the EDAP and PDAP programs and in considering changes to the existing IDAP regulations.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/15	80 FR 63715
ANPRM Comment Period End.	12/21/15	
NPRM	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dianna L. Seaborn, Acting Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–3645, *Email: dianna.seaborn@sba.gov*.

RIN: 3245–AF99

384. • Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business—Certification

Legal Authority: Pub. L. 113–291, sec 825; 15 U.S.C. 637(m)

Abstract: Section 825 of the National Defense Authorization Act for Fiscal Year 2015 (NDAA), Public Law 113–291, 128 Stat. 3292, Dec. 19, 2014, included language requiring that women-owned small business concerns and economically disadvantaged women-owned small business concerns are certified by a Federal agency, a State government, the Administrator, or national certifying entity approved by the Administrator as a small business concern owned and controlled by women. SBA is issuing this Advance Notice of Proposed Rulemaking to get public feedback on how best to implement this statutory provision. SBA intends to request information on whether SBA should: Create its own certification program, rely on private certifiers, allow Federal agencies to create their own certification systems, or create a hybrid system. SBA also intends to request information from the public concerning State government certification programs.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, Director, Office of Government Contracting, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov*.

RIN: 3245–AG75

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

385. Small Business Development Center Program Revisions

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: Updates the SBDC program regulations by proposing to amend: (1) procedures for approving applications for new Host SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA

oversight activities; (4) requirements for new or renewal applications for SBDC grants, including the requirements for electronic submission through the approved electronic Government submission facility; (5) procedures regarding the determination to affect suspension, termination or non-renewal of an SBDC's cooperative agreement; and (6) provisions regarding the collection and use of the individual SBDC client data.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/15	80 FR 17708
ANPRM Comment Period End.	06/01/15	
NPRM	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: J. Chancy Lyford, Deputy Associate Administrator, Office of Small Development Centers, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7159, *Fax:* 202 481–2613, *Email: chancy.lyford@sba.gov*.

RIN: 3245–AE05

386. Loan Program Miscellaneous Amendments

Legal Authority: 15 U.S.C. 636(a); 15 U.S.C. 694b

Abstract: Certain lenders have been delegated the authority to make loan decisions without prior approval from SBA under certain circumstances. SBA plans to formalize such delegated authorities in this proposed rule. Several minor modifications to the 504 Loan Program and governance rules for Certified Development Company (CDC) are also proposed in a follow-on to the Final Rule: 504 and 7(a) Loan Program Updates (March 21, 2014), along with alignment of terminology for 7(a) lenders that are federally regulated to synchronize with existing industry requirements. This proposed rule will also propose to amend SBA's Program Fraud Civil Remedies Act regulations. SBA will propose to conform the amount of the penalties that may be imposed under that statute, for making false claims and false statements, to the amount established by the Department of Justice. SBA plans to propose several other miscellaneous amendments to improve oversight and operations of its finance programs.

This rule proposes to make three changes to the Surety Bond Guarantee (SBG) Program. The first would change the threshold for notification to SBA of changes in the contract or bond amount. Secondly, the change would require sureties to submit quarterly contract completion reports. Finally, SBA proposes to increase the eligible contract limit for the Quick Bond Application and Agreement from $250,000 to $400,000.

Timetable:

Action	Date	FR Cite
NPRM	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John M. Wade, Acting Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–3647, *Email: john.wade@sba.gov*.

RIN: 3245–AF85

387. Office of Women Owned-Business: Women's Business Center Program

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 656

Abstract: SBA's Office of Women's Business Ownership (OWBO) oversees a network of SBA-funded Women's Business Centers (WBCs) throughout the United States and its territories. WBCs provide management and technical assistance to small business concerns both nascent and established, with a focus on such businesses that are owned and controlled by women, or on women planning to start a business, especially women who are economically or socially disadvantaged. The training and counseling provided by the WBCs encompass a comprehensive array of topics, such as finance, management and marketing in various languages. This rule would propose to codify the requirements and procedures that govern the delivery, funding and evaluation of the management and technical assistance provided under the WBC Program. The rule would address, among other things, the eligibility criteria for selection as a WBC, use of Federal funds, standards for effectively carrying out program duties and responsibilities, and the requirements for reporting on financial and programmatic performance.

Timetable:

Action	Date	FR Cite
ANPRM	04/22/15	80 FR 22434
ANPRM Comment Period End.	06/22/15	
NPRM	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bruce D. Purdy, Deputy Assistant Administrator, Office of Women's Business Ownership, Small Business Administration, Washington, DC 20416, *Phone:* 202 205–7532, *Email: bruce.purdy@sba.gov*.

RIN: 3245–AG02

388. Small Business Hubzone Program

Legal Authority: 15 U.S.C. 657a

Abstract: SBA has been reviewing its processes and procedures for implementing the HUBZone program and has determined that several of the regulations governing the program should be amended in order to resolve certain issues that have arisen. As a result, the proposed rule would constitute a comprehensive revision of part 126 of SBA's regulations to clarify current HUBZone Program regulations, and implement various new procedures. The amendments will make it easier for participants to comply with the program requirements and enable them to maximize the benefits afforded by participation. In developing this proposed rule, SBA will focus on the principles of Executive Order 13563 to determine whether portions of regulations should be modified, streamlined, expanded or repealed to make the HUBZone program more effective and/or less burdensome on small business concerns. At the same time, SBA will maintain a framework that helps identify and reduce waste, fraud, and abuse in the program.

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mariana Pardo, Director, Office of HubZone, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 205–2985, *Email: mariana.pardo@sba.gov*.

RIN: 3245–AG38

389. Small Business Investment Company (SBIC) Program; Impact SBICS

Regulatory Plan: This entry is Seq. No. 125 in part II of this issue of the **Federal Register**.

RIN: 3245–AG66

390. Small Business Investment Companies; Revisions to Passive Business Regulations & Technical Clarifications

Legal Authority: 15 U.S.C. 681 *et seq.*

Abstract: The SBA proposes to revise the regulations for the Small Business Investment Company (SBIC) program to further expand the use of Passive Businesses and provide needed

protections for SBA with regard to such investments. SBICs are generally prohibited from investing in passive businesses under the Small Business Investment Act of 1958 as amended as well as by regulations. Current program regulations provided for two exceptions that allow an SBIC to structure an investment utilizing a passive small business as a pass-through. The first exception identified in 107.720(b)(2) provides that an SBIC may structure an investment utilizing two pass-through entities to make an investment into an active business . The second exception identified in 107.720(b)(3) allows partnership SBICs with SBA prior approval to invest in a wholly owned passive business that in turn provides financing to an active small business only if a direct financing would cause its investors to incur Unrelated Business Taxable Income (UBTI). The second exception is commonly known as a blocker corporation. The current rule creates unnecessary complications in defining two exceptions and does not provide SBA with sufficient protections. SBA proposes to simplify the rule to allow a more flexible two pass-through entity structure but provides SBA certain protections to offset risks associated with passive investment structures. As part of the proposed rule, SBA will also make technical corrections and clarifications.

Timetable:

Action	Date	FR Cite
NPRM	10/05/15	80 FR 60077
NPRM Comment Period End.	12/04/15	
Final Rule	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Theresa M. Jamerson, Senior Policy Advisor, Investment Division, Small Business Administration, 409 3rd Street SW., Washington, DC 20461, *Phone:* 202 205–7563, *Email: theresa.jamerson@sba.gov*.

RIN: 3245–AG67

391. Small Business Timber Set Aside Program

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 644(a)

Abstract: The U.S. Small Business Administration (SBA or Agency) is proposing to amend its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property. Accordingly, the Program requires Timber sales to be set aside for small business when small business participation falls below a certain amount. SBA is considering comments received during the ANPRM process, including on issues such as, but not limited to, whether the saw timber volume purchased through stewardship timber contracts should be included in calculations, and whether the appraisal point used in set-aside sales should be the nearest small business mill. In addition, SBA is considering data from the timber industry to help evaluate the current program and economic impact of potential changes.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/15	80 FR 15697
ANPRM Comment Period End.	05/26/15	
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David W. Loines, Area Director, Office of Government Contracting, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7311, *Email: david.loines@sba.gov*.

RIN: 3245–AG69

392. Credit for Lower Tier Small Business Subcontracting

Legal Authority: Pub. L. 113–66, sec 1614

Abstract: The U.S. Small Business Administration (SBA or Agency) proposes to amend its regulations to implement Section 1614 of the National Defense Authorization Act (NDAA) of 2014, Pub. L. 113–66, December 26, 2013. Under the statute, when an other than small prime contractor has an individual subcontracting plan for a contract, the large business may receive credit towards its small business subcontracting goals for subcontract awards made to small business concerns at any tier. Currently, other than small business prime contractors only report on their performance awarding subcontracts to small businesses at the first tier level.

Timetable:

Action	Date	FR Cite
NPRM	10/06/15	80 FR 60300
NPRM Comment Period End.	12/07/15	
Final Rule	07/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, Director, Office of Government Contracting, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov*.

RIN: 3245–AG71

393. Affiliation for Business Loan Programs and Surety Bond Guarantee Program

Regulatory Plan: This entry is Seq. No. 126 in part II of this issue of the **Federal Register**.

RIN: 3245–AG73

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

394. Small Business Mentor—Protégé Programs

Regulatory Plan: This entry is Seq. No. 127 in part II of this issue of the **Federal Register**.

RIN: 3245–AG24

395. Agent Revocation and Suspension Procedures

Legal Authority: 15 U.S.C. 634 ; 15 U.S.C. 642

Abstract: This rule establishes detailed procedures for the suspension and revocation of an Agent's privilege to do business with the United States Small Business Administration (SBA) within a single Part of the Code of Federal Regulations; removes 8(a) program specific procedures for Agent suspension and revocation; clarifies existing and related regulations as to suspension, revocation, and debarment; and removes Office of Hearings and Appeals jurisdiction over Agent suspensions and revocations and government-wide debarment and suspension actions. This rule will also conform SBA suspension and revocation procedures for Agents with general government-wide nonprocurement suspension and debarment procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/16/14	79 FR 62060
NPRM Comment Period Extended.	12/12/14	79 FR 73853
NPRM Comment Period End.	12/15/14	
Second NPRM Comment Period End.	02/14/15	
Final Rule	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Debra Mayer, Chief, Supervision and Enforcement, Office of Credit Risk Management, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7577, *Email: debra.mayer@sba.gov*.

RIN: 3245–AG40

396. Small Business Size Standards: Employee Based Size Standards in Wholesale Trade and Retail Trade

Legal Authority: 15 U.S.C. 632(a)

Abstract: On May 19, 2014, the U.S. Small Business Administration (SBA) published a proposed rule to increase employee based size standards in 46 industries in North American Industry Classification System (NAICS) Sector 42, Wholesale Trade, and in one industry in Sector 44–45, Retail Trade. As a part of its comprehensive size standards review required by the Small Business Jobs Act of 2012, SBA reviewed all 71 industries in Sector 42 and two industries with employee based size standards in Sector 44–45 to determine whether their size standards should be retained or revised. The proposed revisions, if adopted, will primarily affect eligibility for SBA's financial assistance programs. This is one of the rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size*, to this purposed rule. SBA expects to publish the final rule in the near future.

Note: The title for this rule has been changed since the rule was first reported in the Regulatory Agenda on January 8, 2013, from ''Small Business Size Standards for Wholesale Trade'' to ''Small Business Size Standards: Employee Based Size Standards for Wholesale Trade and Retail Trade.'' The title was changed to make it clear that the rule also addresses industries with employee based size standards in Retail Trade.

Timetable:

Action	Date	FR Cite
NPRM	05/19/14	79 FR 28631
NPRM Comment Period End.	07/18/14	
Final Rule	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG49

397. Small Business Size Standards for Manufacturing

Legal Authority: 15 U.S.C. 632(a)

Abstract: This rule proposes to increase employee based size standards for 209 industries in North American Industry Classification System (NAICS) Section 31–33, Manufacturing. SBA also proposes to increase the refining capacity component of the Petroleum Refiners (NAICS 324110) size standard to 200,000 barrels per calendar day total capacity for businesses that are primarily engaged in petroleum refining. The rule also proposes to eliminate the requirement that 90 percent of a refiner's output being delivered should be refined by the bidder. As a part of its comprehensive size standards review required by the Small Business Jobs Act of 2010, SBA evaluated all 364 industries in NAICS Sector 31–33 to determine whether their size standards should be retained or revised. This is one of the rules that examined industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size*, to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/10/14	79 FR 54146
NPRM Comment Period End.	11/10/14	
Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG50

398. Small Business Size Standards: Industries With Employee Based Size Standards Not Part of Manufacturing, Wholesale Trade, or Retail Trade

Legal Authority: 15 U.S.C. 632(a)

Abstract: This rule proposes to increase the employee-based size standards for 30 industries and three exceptions and decrease them for three industries that are not a part of NAICS Sector 31–33 (Manufacturing) Sector 42 (Wholesale Trade) and Sector 44–45 (Retail Trade). Additionally, SBA proposes to remove the Information Technology Value Added Resellers exception under NAICS 541519 (Other Computer Related Services) together with its 150-employee size standard. Similarly, SBA proposes to eliminate the Offshore Marine Air Transportation Services exception under NAICS 481211 and 481212 and Offshore Marine Services exception under NAICS Subsector 483 and their $30.5 million receipts based size standard. As part of its comprehensive size standards review required by the Small Business Jobs Act of 2010 SBA evaluated 57 industries and five exceptions with employee based size standards that are not in NAICS Sectors 31–33 42 or 4445. This is one of the rules that examined industries grouped by an NAICS Sector. SBA has applied its Size Standards Methodology, which is available on its Web site at *http://www.sba.gov/size* to this proposed rule.

Please Note: The title for this rule has been changed since it was first announced in the Regulatory Agenda on January 8, 2013 to add the words or Retail Trade at the end of the previous title. This change makes it clear that industries in the retail trade with employee based size standards are also not addressed in the rule.

Timetable:

Action	Date	FR Cite
NPRM	09/10/14	79 FR 53646
NPRM Rule Correction.	10/20/14	79 FR 62576
NPRM Comment Period End.	11/10/14	
Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG51

399. Small Business Government Contracting and National Defense Authorization Act of 2013 Amendments

Regulatory Plan: This entry is Seq. No. 128 in part II of this issue of the **Federal Register**.

RIN: 3245–AG58

400. Small Business Size Standards: Inflation Adjustment to Monetary Based Size Standards

Legal Authority: 15 U.S.C. 632(a)

Abstract: On June 12, 2014, SBA issued an interim final rule with request for comments to adjust its monetary small business size standards (*i.e.,* receipts, net income, net worth, and financial assets), for the effects of inflation that have occurred since the last inflation adjustment, which was effective August 19, 2008. The interim final rule aimed to restore small

business eligibility to businesses that have lost their small business status due to inflation. The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to review and adjust (as necessary) all size standards within five years of its enactment. SBA's Small Business Size Regulations at 13 CFR 121.102(c) require the same quinquennial (or less) review and adjustment. The rule did not increase the $750,000 size standard for agricultural enterprises, which is established by the Small Business Act (§ 3(a)(1)). The alternate size standard used in the 7(a) and 504 business loan programs is unaffected by this adjustment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/14	79 FR 33647
Interim Final Rule Effective.	07/14/14	
Interim Final Rule Comment Period End.	08/11/14	
Final Rule	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG60

401. Surety Bond Guarantee Program; Miscellaneous Amendments

Legal Authority: 15 U.S.C. 694b

Abstract: This rule will change the regulations for SBA's Surety Bond Guarantee Program in four areas. First, as a condition for participating in the Prior Approval and Preferred Programs, the rule will clarify that a Surety must directly employ underwriting and claims staffs sufficient to perform and manage these functions, and final settlement authority for claims and recovery is vested only in salaried employees of the Surety. Second, the rule will provide that all costs incurred by the Surety's salaried claims staff are ineligible for reimbursement by SBA, but the Surety may seek reimbursement for amounts paid for specialized services that are provided by outside consultants in connection with the processing of a claim. Third, the rule will modify the criteria for determining when a Principal that caused a Loss to SBA is ineligible for a bond guaranteed by SBA. Fourth, the rule will modify the criteria for admitting Sureties to the Preferred Surety Bond Guarantee Program by increasing the Surety's underwriting limitation, as certified by the U.S. Treasury Department on its list of acceptable sureties, from at least $2 million to at least $6.5 million.

Timetable:

Action	Date	FR Cite
NPRM	04/14/15	80 FR 19886
NPRM Comment Period End.	06/15/15	
Final Rule	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barbara J. Brannan, Management Analyst, Office of Surety Guarantees, Small Business Administration, Washington, DC 20416, *Phone:* 202 205–6545, *Email: barbara.brannan@sba.gov.*

RIN: 3245–AG70

SMALL BUSINESS ADMINISTRATION (SBA)

Long-Term Actions

402. Small Business Size Standards; Alternative Size Standard for 7(A), 504, and Disaster Loan Programs

Legal Authority: Pub. L. 111–240, sec 1116

Abstract: SBA will amend its size eligibility criteria for Business Loans, certified development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. These alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
NPRM	11/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG16

403. Record Disclosure and Privacy

Legal Authority: 5 U.S.C. 301, 552 and 552(a); 31 U.S.C. 9701; 44 U.S.C. 3501 *et seq.et seq.;* E.O. 12600; 52 FR 23781

Abstract: SBA proposes to amend its Record Disclosure and Privacy regulations to implement the Openness Promotes Effectiveness in our National Government Act. The amendments, among other things, will update the Agency's Freedom of Information Act regulations to adjust the time for the public to submit an appeal of SBA's decision regarding a request for information, correct an obsolete address and provide applicable Web site addresses, and clarify the definition of news media for purposes of assessing processing fees.

Timetable:

Action	Date	FR Cite
NPRM	11/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda M. DiGiandomenico, *Phone:* 202 401–8206, *Email: linda.digiandomenico@sba.gov.*

RIN: 3245–AG52

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

404. Implementation of Small Business Disaster Response and Loan Improvement Act: Expedited Disaster Assistance Program

Legal Authority: 15 U.S.C. 636j

Abstract: This proposed rule would establish and implement an expedited disaster assistance business loan program under which the SBA will guarantee short-term loans made by private lenders to eligible small businesses located in a catastrophic disaster area. The maximum loan amount is $150,000, and SBA will guarantee timely payment of principal and interest to the lender. The maximum loan term will be 180 days, and the interest rate will be limited to 300 basis points over the Federal funds rate.

Completed:

Reason	Date	FR Cite
Merged With 3245–AF99.	08/20/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dianna L. Seaborn, *Phone:* 202 205–3645, *Email: dianna.seaborn@sba.gov.*

RIN: 3245–AF88

405. Advisory Small Business Size Decisions

Legal Authority: 15 U.S.C. 645(d)(3)

Abstract: The purpose of the statute is to establish procedures for Small Business Development Centers (SBDCs) (SBA grantees) or Procurement Technical Assistance Centers (PTACs) (DOD grantees) to issue advisory size decisions. This rule provides guidance to SBDCs and PTACs regarding the minimum requirements that small business status advisory opinions must meet in order to be deemed adequate by SBA. The rule also requires the SBDC or PTAC issuing the advisory opinion to remit a copy of the opinion to SBA for review, and established a 10 day deadline by which SBA must either accept or reject the advisory opinion. If SBA rejects the advisory opinion, the Agency will notify the entity which issued the opinion and the firm to which it applies, after which time the firm is no longer entitled to rely upon the opinion or invoke the safe harbor provisions of the statute. If SBA accepts the advisory opinion, then the firm may rely on the SBDC or PTAC advisory opinion and is entitled to invoke the safe harbor provision as a defense to punishments imposed under 15 U.S.C. 645, Offenses and Penalties, which prescribes fines and imprisonment for false statements. The rule also makes clear that SBA has the authority to initiate a formal size determination of a firm that is the subject of a small business status advisory opinion where the Agency concludes that opinion contains information that calls into question the firm's small business status.

Completed:

Reason	Date	FR Cite
Final Rule	02/11/15	80 FR 7533
Final Rule Effective.	08/10/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda J. Fernandez, *Phone:* 202 205–7337, *Email: brenda.fernandez@sba.gov.*

RIN: 3245–AG59

406. Women-Owned Small Business Federal Contract Program

Legal Authority: 15 U.S.C. 637(m); 15 U.S.C. 634(b)(6)

Abstract: Section 825 of the National Defense Authorization Act for Fiscal Year 2015 (NDAA), Pub. L. 113–291, 128 Stat. 3292, Dec. 19, 2014, included language granting contracting officers the authority to award sole source contracts to WOSBs and EDWOSBs. In order to implement this statutory change, SBA is amending 13 CFR part 127 Subpart E by incorporating the statutory language granting authority for sole source contracts. If a contracting officer conducts market research in an industry where a WOSB or EDWOSB set aside is authorized, and the contracting officer cannot identify two or more WOSBs or EDWOSBs that can perform at a fair and reasonable price, but identifies one WOSB or EDWOSB that can perform at a fair and reasonable price, the contracting officer will be able to award the contract on a sole source basis, if the value of the contract, including options, does not exceed $6.5 million for manufacturing contracts and $4 million for all other contracts. Section 825 of the NDAA also accelerated a statutory deadline by two years for SBA to conduct a study to determine the industries where WOSBs and EDWOSBs are substantially underrepresented or underrepresented. SBA must complete the study by January, 2, 2016. SBA also amended the regulatory definition of underrepresentation and substantial underrepresentation to align the regulatory definition with the more general statutory language and to ensure the agency can conduct a study using relevant and reliable methodologies.

Completed:

Reason	Date	FR Cite
NPRM	05/01/15	80 FR 24846
Final Rule	09/14/15	80 FR 55019
Final Rule Effective.	10/14/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kenneth Dodds, *Phone:* 202 619–1766, *Fax:* 202 481–2950, *Email: kenneth.dodds@sba.gov.*

RIN: 3245–AG72

[FR Doc. 2015–30665 Filed 12–14–15; 8:45 am]

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Part XXI

Department of Defense

General Services Administration

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 ''Regulatory Planning and Review.'' This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process. The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Director, Regulatory Secretariat Division, 1800 F Street NW., 2nd Floor, Washington, DC 20405–0001, 202–501–4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR Web site at *http://www.acquisition.gov/far.*

Dated: October 7, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
407	Federal Acquisition Regulation (FAR); FAR Case 2015–014; Prohibition on Providing Funds to the Enemy	9000–AN03
408	Federal Acquisition Regulation; FAR Case 2015–020, Simplified Acquisition Threshold for Overseas Acquisitions in Support of Humanitarian or Peacekeeping Operations.	9000–AN09

DOD/GSA/NASA (FAR)—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
409	Federal Acquisition Regulation (FAR); FAR Case 2011–001; Organizational Conflicts of Interest and Unequal Access to Information.	9000–AL82
410	Federal Acquisition Regulation (FAR); FAR Case 2010–013; Privacy Training	9000–AM02
411	Federal Acquisition Regulation (FAR); FAR Case 2011–020; Basic Safeguarding of Contractor Information Systems.	9000–AM19
412	Federal Acquisition Regulation (FAR); FAR Case 2013–015; Pilot Program for Enhancement of Contractor Employee Whistleblower Protections.	9000–AM56
413	Federal Acquisition Regulation (FAR); FAR Case 2012–022; Contracts Under the Small Business Administration 8(a) Program.	9000–AM68
414	Federal Acquisition Regulation (FAR); FAR Case 2013–020; Information on Corporate Contractor Performance and Integrity.	9000–AM74
415	Federal Acquisition Regulation (FAR); FAR Case 2014–012; Limitation on Allowable Government Contractor Compensation Costs.	9000–AM75
416	Federal Acquisition Regulation (FAR); FAR Case 2014–025; Fair Pay and Safe Workplaces	9000–AM81
417	Federal Acquisition Regulation (FAR); FAR Case 2015–003; Establishing a Minimum Wage for Contractors.	9000–AM82
418	Federal Acquisition Regulation (FAR); FAR Case 2014–026; High Global Warming Potential Hydrofluorocarbons.	9000–AM87
419	Federal Acquisition Regulation (FAR); FAR Case 2014–003; Small Business Subcontracting Improvements.	9000–AM91
420	Federal Acquisition Regulation (FAR); FAR Case 2014–015; Consolidation and Bundling of Contract Requirements.	9000–AM92
421	Federal Acquisition Regulation (FAR); FAR Case 2015–012; Contractor Employee Internal Confidentiality Agreements.	9000–AN04
422	Federal Acquisition Regulation (FAR); FAR Case 2015–011; Prohibition on Contracting With Corporations With Delinquent Taxes or a Felony Conviction.	9000–AN05
423	Federal Acquisition Regulation (FAR); FAR Case 2015–032, Sole Source Contracts for Women-Owned Small Businesses.	9000–AN13

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
424	Federal Acquisition Regulation (FAR); FAR Case 2013–016; EPEAT Items	9000–AM71

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
425	Federal Acquisition Regulation (FAR); FAR Case 2014–022; Inflation Adjustment of Acquisition—Related Thresholds.	9000–AM80
426	Federal Acquisition Regulation (FAR); FAR Case 2014–020; Clarification on Justification for Urgent Noncompetitive Awards Exceeding One Year.	9000–AM86

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

407. Federal Acquisition Regulation (FAR); FAR Case 2015–014; Prohibition on Providing Funds to the Enemy

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement subtitle E of title VIII of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act (NDAA) for fiscal year (FY) 2015, which prohibits providing funds to the enemy. It also provides additional access to records to the extent necessary to ensure that funds available under the contract are not made available to the enemy.

Timetable:

Action	Date	FR Cite
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AN03

408. • Federal Acquisition Regulation; FAR Case 2015–020, Simplified Acquisition Threshold for Overseas Acquisitions in Support of Humanitarian or Peacekeeping Operations

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement 41 U.S.C. 153, which establishes a higher simplified acquisition threshold for overseas acquisitions in support of humanitarian or peacekeeping operations.

Timetable:

Action	Date	FR Cite
NPRM	10/08/15	80 FR 60832
NPRM Comment Period End.	12/07/15	
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Hopkins, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969–7226, *Email: kathlyn.hopkins@gsa.gov.*

RIN: 9000–AN09

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

409. Federal Acquisition Regulation (FAR); FAR Case 2011–001; Organizational Conflicts of Interest and Unequal Access to Information

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA is issuing a final rule amending the Federal Acquisition Regulation (FAR) to provide revised regulatory coverage on organizational conflicts of interest (OCIs), and add related provisions and clauses. Coverage on contractor access to protected information has been moved to a new proposed rule, FAR Case 2012–029 now FAR Case 2014–021. Section 841 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110–417) required a review of the FAR coverage on OCIs. The proposed rule was developed as a result of a review conducted in accordance with section 841 by the Civilian Agency Acquisition Council, the Defense Acquisition Regulations Council, and the Office of Federal Procurement Policy, in consultation with the Office of Government Ethics. The proposed rule was preceded by an Advance Notice of Proposed Rulemaking, under FAR Case 2007–018 (73 FR 15962), to gather comments from the public with regard to whether and how to improve the FAR coverage on OCIs. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2015), available at: *https://www.acquisition.gov/.*

Timetable:

Action	Date	FR Cite
NPRM	04/26/11	76 FR 23236
NPRM Comment Period End.	06/27/11	
NPRM Comment Period Extended.	06/29/11	76 FR 38089
NPRM Comment Period Extended End.	07/27/11	
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AL82

410. Federal Acquisition Regulation (FAR); FAR Case 2010–013; Privacy Training

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA is issuing a final rule to amend the Federal Acquisition Regulation (FAR) to ensure that all contractors are required to complete training in the protection of privacy and the handling and safeguarding of Personally Identifiable Information (PII). The proposed FAR language provides flexibility for agencies to conduct the privacy training or require the contractor to conduct the privacy training. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2015), available at: *https://www.acquisition.gov/.*

Timetable:

Action	Date	FR Cite
NPRM	10/14/11	76 FR 63896

Action	Date	FR Cite
NPRM Comment Period End.	12/13/11	
Final Rule	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Gray, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208–6726.

RIN: 9000–AM02

411. Federal Acquisition Regulation (FAR); FAR Case 2011–020; Basic Safeguarding of Contractor Information Systems

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to add a new subpart and contract clause for the basic safeguarding of contractor information systems that contain, transmit, or process Federal contract information. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2015), available at: *https://www.acquisition.gov/*.

Timetable:

Action	Date	FR Cite
NPRM	07/26/12	77 FR 51496
NPRM Comment Period End.	10/23/12	
Final Rule	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AM19

412. Federal Acquisition Regulation (FAR); FAR Case 2013–015; Pilot Program for Enhancement of Contractor Employee Whistleblower Protections

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA is issuing a final rule of the Federal Acquisition Regulation to implement a statutory pilot program whistleblower protections for enhancement of contractor employee.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/13	78 FR 60169
Interim Final Rule Comment Period End.	11/29/13	
Final Rule	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AM56

413. Federal Acquisition Regulation (FAR); FAR Case 2012–022; Contracts Under the Small Business Administration 8(A) Program

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA is issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement revisions made by the Small Business Administration to its regulations implementing section 8(a) of the Small Business Act, and to provide additional FAR coverage regarding protesting an 8(a) participant's eligibility or size status, procedures for releasing a requirement for non-8(a) procurements, and the ways a participant could exit the 8(a) Business Development program.

Timetable:

Action	Date	FR Cite
NPRM	02/03/14	79 FR 6135
NPRM Comment Period End.	04/14/14	
Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AM68

414. Federal Acquisition Regulation (FAR); FAR Case 2013–020; Information on Corporate Contractor Performance and Integrity

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA is issuing a final rule amending the Federal Acquisition Regulation to implement a section of the National Defense Authorization Act for Fiscal Year 2013 to include in the Federal Awardee Performance and Integrity Information System, to the extent practicable, identification of any immediate owner or subsidiary, and all predecessors of an offeror that held a Federal contract or grant within the last three years. The objective is to provide a more comprehensive understanding of the performance and integrity of the corporation in awarding Federal contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/04/14	79 FR 71975
NPRM Comment Period End.	02/02/15	
Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AM74

415. Federal Acquisition Regulation (FAR); FAR Case 2014–012; Limitation on Allowable Government Contractor Compensation Costs

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA is issuing a final rule amending the Federal Acquisition Regulation to implement section 702 of the Bipartisan Budget Act of 2013. In accordance with section 702, the interim rule revises the allowable cost limit relative to the compensation of contractor and subcontractor employees. Also, in accordance with section 702, this interim rule implements the possible exception to this allowable cost limit for narrowly targeted scientists, engineers, or other specialists upon an agency determination that such exceptions are needed to ensure that the executive agency has continued access to needed skills and capabilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/24/14	79 FR 35865
Interim Final Rule Comment Period End.	08/25/14	
Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Hopkins, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969–7226, *Email: kathlyn.hopkins@gsa.gov*.

RIN: 9000–AM75

416. Federal Acquisition Regulation (FAR); FAR Case 2014–025; Fair Pay and Safe Workplaces

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA is issuing a final rule amending the Federal Acquisition Regulation which implements Executive Order 13673, Fair Pay and Safe Workplaces, seeks to increase efficiency in the work performed by Federal contractors by ensuring that they understand and comply with labor laws designed to promote safe, healthy, fair and effective workplaces.

Timetable:

Action	Date	FR Cite
NPRM	05/28/15	80 FR 30548
NPRM Comment Period End.	07/27/15	
NPRM Comment Period Extended.	07/14/15	80 FR 40968
NPRM Comment Period End.	08/11/15	
NPRM Comment Period Extended.	08/05/15	80 FR 46531
NPRM Comment Period End.	08/26/15	
Final Rule	04/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, Program Manager, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov*.

RIN: 9000–AM81

417. Federal Acquisition Regulation (FAR); FAR Case 2015–003; Establishing a Minimum Wage for Contractors

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA is issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement Executive Order 13658, Establishing a Minimum Wage for Contractors, and a final rule issued by the Department of Labor (DOL) at 29 CFR part 10. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2015), available at: *https://www.acquisition.gov/*.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/15/14	79 FR 74544
Interim Final Rule Comment Period End.	02/13/15	
Final Rule	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, Program Manager, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov*.

RIN: 9000–AM82

418. Federal Acquisition Regulation (FAR); FAR Case 2014–026; High Global Warming Potential Hydrofluorocarbons

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA is issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement Executive Branch policy in the President's Climate Action Plan to procure, when feasible, alternatives to high global warming potential (GWP) hydrofluorocarbons (HFCs). This will allow agencies to better meet the greenhouse gas emission reduction goals and reporting requirements of the Executive Order 13693 of March 25, 2015, Planning for Sustainability in the Next Decade. Executive Order 13693 subsumes both Executive Order 13423 of January 24, 2007, Strengthening Federal Environmental, Energy, and Transportation Management as well as Executive Order 13514 of October 5, 2009, Federal Leadership in Environmental, Energy, and Economic Performance.

Timetable:

Action	Date	FR Cite
NPRM	05/11/15	80 FR 26883
NPRM Comment Period End.	07/10/15	
Final Rule	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Gray, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208–6726.

RIN: 9000–AM87

419. Federal Acquisition Regulation (FAR); FAR Case 2014–003; Small Business Subcontracting Improvements

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA is issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the Small Business Administration (SBA) in its final rule, concerning small business subcontracting. Among other things, SBA's final rule implements the statutory requirements set forth at sections 1321 and 1322 of the Small Business Jobs Act of 2010. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2015), available at: *https://www.acquisition.gov/*.

Timetable:

Action	Date	FR Cite
NPRM	06/10/15	80 FR 32909
NPRM Comment Period End.	08/10/15	
Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AM91

420. Federal Acquisition Regulation (FAR); FAR Case 2014–015; Consolidation and Bundling of Contract Requirements

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA is issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement sections 1312 and 1313 of the Small Business Jobs Act of 2010 and Small Business Administration's final rule to ensure that decisions made by Federal agencies regarding consolidation of contract requirements are made with a view to providing small businesses with appropriate opportunities to participate as prime and subcontractors. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2015), available at: *https://www.acquisition.gov/*.

Timetable:

Action	Date	FR Cite
NPRM	06/03/15	80 FR 31561
NPRM Comment Period End.	08/03/15	
Final Rule	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington,

DC 20405, *Phone:* 703 605–2868, *Email: mahruba.uddowla@gsa.gov*.

RIN: 9000–AM92

421. Federal Acquisition Regulation (FAR); FAR Case 2015–012; Contractor Employee Internal Confidentiality Agreements

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: This interim rule revises the Federal Acquisition Regulation to implement section 743 of Division E, title VII, of the Consolidated and Further Continuing Appropriations Act of 2015 (Pub. L. 113–235) and successor provisions in subsequent appropriations acts (and as extended in continuing resolutions). Section 743 prohibits the use of funds appropriated or otherwise made available by division E or any other Act for a contract, grant, or cooperative agreement with an entity that requires employees or subcontractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN04

422. Federal Acquisition Regulation (FAR); FAR Case 2015–011; Prohibition on Contracting With Corporations With Delinquent Taxes or a Felony Conviction

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement sections of the Consolidated and Further Continuing Appropriations Act, 2015, to prohibit the Federal Government from entering into a contract with any corporation having a delinquent Federal tax liability or a felony conviction under any Federal law, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia L Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov*.

RIN: 9000–AN05

423. • Federal Acquisition Regulation (FAR); FAR Case 2015–032, Sole Source Contracts For Women—Owned Small Businesses

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the Small Business Administration, which provide for authority to award sole source contracts to economically disadvantaged women-owned small business concerns and to women-owned small business concerns eligible under the Women-Owned Small Business Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605–2868.

RIN: 9000–AN13

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

424. Federal Acquisition Regulation (FAR); FAR Case 2013–016; EPEAT Items

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA is issuing a final rule amending the Federal Acquisition Regulation to implement changes in the Electronic Product Environmental Assessment Tool (EPEAT®) registry.

Completed:

Reason	Date	FR Cite
Final Rule	09/03/15	80 FR 53436
Final Rule Effective.	10/05/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Gray, *Phone:* 202 208–6726.

RIN: 9000–AM71

425. Federal Acquisition Regulation (FAR); FAR Case 2014–022; Inflation Adjustment of Acquisition—Related Thresholds

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a final rule to amend the Federal Acquisition Regulation (FAR) to further implement 41 U.S.C. 1908, Inflation adjustment of acquisition-related dollar thresholds. This statute requires an adjustment every five years of acquisition-related thresholds for inflation using the Consumer Price Index for all urban consumers, except for the Construction Wage Rate Requirements statute (Davis-Bacon Act), Service Contract Labor Standards statute, and trade agreements thresholds. DoD, GSA, and NASA are also proposing to use the same methodology to adjust nonstatutory FAR acquisition-related thresholds in 2015.

Completed:

Reason	Date	FR Cite
Final Rule	07/02/15	80 FR 38293
Correction	09/08/15	80 FR 53753
Final Rule Effective.	10/01/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O Jackson, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AM80

426. Federal Acquisition Regulation (FAR); FAR Case 2014–020; Clarification on Justification for Urgent Noncompetitive Awards Exceeding One Year

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to clarify that a determination of exceptional circumstances is needed when a noncompetitive contract awarded on the basis of unusual and compelling

urgency exceeds one year, either at time of award or due to post-award modifications.

Completed:

Reason	Date	FR Cite
Final Rule	07/02/15	80 FR 38308
Final Rule Effective.	08/03/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O Jackson, *Phone:* 202 208–4949, *Email: michaelo.jackson@gsa.gov*.

RIN: 9000–AM86

[FR Doc. 2015–30666 Filed 12–14–15; 8:45 am]

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FEDERAL REGISTER

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Part XXII

Bureau of Consumer Financial Protection

Semiannual Regulatory Agenda

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR CH. X

Semiannual Regulatory Agenda

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Bureau of Consumer Financial Protection (CFPB or Bureau) is publishing this agenda as part of the Fall 2015 Unified Agenda of Federal Regulatory and Deregulatory Actions. The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from November 1, 2015, to October 31, 2016. The next agenda will be published in spring 2016 and will update this agenda through spring 2017. Publication of this agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

DATES: This information is current as of September 18, 2015.

ADDRESSES: Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: A staff contact is included for each regulatory item listed herein.

SUPPLEMENTARY INFORMATION: The CFPB is publishing its fall 2015 agenda as part of the Fall 2015 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The CFPB's participation in the Unified Agenda is voluntary. The complete Unified Agenda is available to the public at the following Web site: *http://www.reginfo.gov*.

Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (Dodd-Frank Act), the CFPB has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. These authorities include the ability to issue regulations under more than a dozen federal consumer financial laws, which transferred to the CFPB from seven federal agencies on July 21, 2011. The CFPB is working on a wide range of initiatives to address issues in markets for consumer financial products and services that are not reflected in this notice because the Unified Agenda is limited to rulemaking activities.

The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from November 1, 2015, to October 31, 2016.[1] Among the Bureau's more significant regulatory efforts are the following.

Bureau Regulatory Efforts in Various Consumer Markets

The Bureau is working on a number of rulemakings to address important consumer protection issues in a wide variety of markets for consumer financial products and services.

For example, the Bureau is beginning a rulemaking process to follow up on a report it issued to Congress in March 2015, concerning the use of agreements providing for arbitration of any future dispute between covered persons and consumers in connection with the offering or providing of consumer financial products or services. The report, which was required by the Dodd-Frank Act, expanded on preliminary results of arbitration research that had been released by the Bureau in December 2013. Following release of the report, the CFPB analyzed whether rules governing pre-dispute arbitration agreements are warranted, and, if so, what types of rules would be appropriate. The Bureau has preliminarily determined that it should proceed with a rulemaking regarding pre-dispute arbitration agreements. To begin the rulemaking process, the Bureau intends to convene a panel in fall 2015 under the Small Business Regulatory Enforcement Fairness Act and in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy, to consult with small businesses that may be affected by the policy proposals under consideration.

The Bureau is also considering rules to address consumer harms from practices related to payday loans, auto title loans, and other similar credit products, including failure to determine whether consumers have the ability to repay without default or reborrowing and certain payment collection practices. Under the Small Business Regulatory Enforcement Fairness Act, the Bureau released in March 2015, an outline of proposals under consideration for the rulemaking. As part of Small Business Regulatory Enforcement Fairness Act process, in April 2015, the Bureau, along with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy, met with small lenders that may be affected by the rulemaking to obtain feedback on the proposals. This rulemaking builds on Bureau research, including a white paper the Bureau published on these products in April 2013, a data point providing additional research in March 2014, and ongoing analysis. The Bureau expects to issue a notice of proposed rulemaking in early 2016 after additional outreach and analysis.

Building on Bureau research and other sources, the Bureau is also engaged in policy analysis and further research initiatives in preparation for a rulemaking on overdraft programs on checking accounts. The CFPB issued a white paper in June 2013, and a report in July 2014, based on supervisory data from several large banks that highlighted a number of possible consumer protection concerns, including how consumers opt in to overdraft coverage for ATM and one-time debit card transactions, overdraft coverage limits, transaction posting order practices, overdraft and insufficient funds fee structure, and involuntary account closures. The CFPB is continuing to engage in additional research and has begun consumer testing initiatives relating to the opt-in process.

The Bureau is also engaged in policy analysis and research initiatives in preparation for a rulemaking on debt collection activities, which are the single largest source of complaints to the Federal Government of any industry. Building on the Bureau's November 2013, Advance Notice of Proposed Rulemaking, the CFPB is in the process of analyzing the results of a survey to obtain information from consumers about their experiences with debt collection. The Bureau is also undertaking consumer testing initiatives to determine what information would be useful for consumers to have about debt collection and their debts and how that information should be provided to them.

The Bureau is also working on a final rule to create a comprehensive set of consumer protections for prepaid financial products, such as general purpose reloadable cards and other similar products, which are increasingly being used by consumers in place of traditional checking accounts or credit cards. The proposed rule would expressly bring prepaid products within the ambit of Regulation E (which implements the Electronic Fund Transfer Act) as prepaid accounts and create new provisions specific to such accounts. The proposal would also amend Regulation E and Regulation Z (which implements the Truth in

[1] The listing does not include certain routine, frequent, or administrative matters. Further, certain of the information fields for the listing are not applicable to independent regulatory agencies, including the CFPB, and, accordingly, the CFPB has indicated responses of ''no'' for such fields.

Lending Act) to regulate prepaid accounts with overdraft services or credit features. The Bureau's proposed rule on prepaid accounts was issued in November 2014, and the Bureau anticipates issuing a final rule in spring 2016.

The Bureau is also continuing rulemaking activities that will further establish the Bureau's nonbank supervisory authority by defining larger participants of certain markets for consumer financial products and services. Larger participants of such markets, as the Bureau defines by rule, are subject to the Bureau's supervisory authority. On June 30, 2015, the Bureau published in the **Federal Register** a final rule that defines larger participants of a market for automobile financing and defines certain automobile leasing activity as a financial product or service. The Bureau expects that its next larger participant rulemaking will focus on the markets for consumer installment loans and vehicle title loans for purposes of supervision. The Bureau is also considering whether rules to require registration of these or other non-depository lenders would facilitate supervision, as has been suggested to the Bureau by both consumer advocates and industry groups.

The Bureau is also continuing to develop research on other critical markets to help implement statutory directives and to assess whether regulation of other consumer financial products and services may be warranted. For example, the Bureau is starting its work to implement section 1071 of the Dodd-Frank Act, which amends the Equal Credit Opportunity Act to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. The Bureau will focus on outreach and research to develop its understanding of the players, products, and practices in the small business lending market and of the potential ways to implement section 1071. The CFPB then expects to begin developing proposed regulations concerning the data to be collected and appropriate procedures, information safeguards, and privacy protections for information-gathering under this section.

Implementing Dodd-Frank Act Mortgage Protections

The Bureau is also continuing efforts to implement critical consumer protections under the Dodd-Frank Act to guard against mortgage market practices that contributed to the nation's most significant financial crisis in several decades. The Bureau has already issued regulations implementing Dodd-Frank Act protections for mortgage originations and servicing, and integrating various federal mortgage disclosures as discussed further below.

The Bureau is also working to implement Dodd-Frank amendments to the Home Mortgage Disclosure Act (HMDA), which augment existing data reporting requirements regarding housing-related loans and applications for such loans. In addition to obtaining data that is critical to the purposes of HMDA—which include providing the public and public officials with information that can be used to help determine whether financial institutions are serving the housing needs of their communities, assisting public officials in the distribution of public sector investments, and assisting in identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes—the Bureau views this rulemaking as an opportunity to streamline and modernize HMDA data collection and reporting in furtherance of its mission under the Dodd-Frank Act to reduce unwarranted regulatory burden. The Bureau published a proposed HMDA rule in the **Federal Register** in August 2014, to add several new reporting requirements and to clarify several existing requirements. Publication of the proposal followed initial outreach efforts and the convening of a panel under the Small Business Regulatory Enforcement Fairness Act, in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy, to consult with small lenders who may be affected by the rulemaking. The Bureau expects to issue a final rule in fall 2015 and is continuing to coordinate with other agencies and prepare for support of implementation efforts.

The Bureau is also working to support implementation of its final rule combining several federal mortgage disclosures that consumers receive in connection with applying for and closing on a mortgage loan under the Truth in Lending Act (TILA) and the Real Estate Settlement Procedures Act (RESPA). The project to integrate and streamline the disclosures was mandated under the Dodd-Frank Act. The integrated forms are the cornerstone of the Bureau's broader ''Know Before You Owe'' mortgage initiative. The final rule was issued in November 2013, and takes effect October 3, 2015. The Bureau has worked intensively to support implementation efforts, including consumer education initiatives. To facilitate implementation, the Bureau has released a small entity compliance guide, a guide to forms, a readiness guide, sample forms, and additional materials. The Bureau has conducted six free, publicly available webinars to answer common questions and hosted an additional webinar targeted at housing counselors. In January 2015, after extensive outreach to stakeholders, the Bureau adopted two minor modifications and technical amendments to the Rule to smooth compliance for industry.[2] After discovering an administrative error in June 2015, the Bureau issued a proposal to extend the effective date from August 1, 2015, to October 3, 2015, and finalized the extension of the effective date to October 3, 2015, on July 24, 2015. The Bureau expects to continue working to support implementation of the rule, monitor the market, and make clarifications and adjustments to the rule where warranted.

The Bureau is also working to support the full implementation of, and facilitate compliance with, various mortgage-related final rules issued by the Bureau in January 2013, to strengthen consumer protections involving the origination and servicing of mortgages. These rules, implementing requirements under the Dodd-Frank Act, were all effective by January 2014. The Bureau is working diligently to monitor the market and plans to make clarifications and adjustments to the rules where warranted. For example, in order to promote access to credit, the Bureau engaged in further research to assess the impact of certain provisions implemented under the Dodd-Frank Act that modify general requirements for small creditors, including those small creditors that operate predominantly in ''rural or underserved'' areas, and published a notice of proposed rulemaking in the **Federal Register** in February 2015. The Bureau anticipates issuing a final rule in September 2015.

The Bureau also published a proposal in the **Federal Register** in December 2014, to amend various provisions of its mortgage servicing rules in both Regulation X (which implements RESPA) and Regulation Z. The proposal included further clarification of the applicability of certain provisions when the borrower is in bankruptcy, possible additional enhancements to loss mitigation requirements, proposed applicability of certain provisions to successors in interest, and other topics. As the Bureau develops a final rule, it is reviewing and considering public comments on the proposed rule, consulting with other agencies, conducting consumer testing of certain

[2] 80 FR 8767 (Feb. 19, 2015).

disclosures, and preparing to support implementation and consumer education efforts. The Bureau expects to issue a final rule in late spring 2016.

Bureau Long-Term Planning Efforts

The Bureau has also updated its long-term agenda to reflect its expectations beyond fiscal year 2016. As noted in these items, the Bureau intends to explore potential rulemakings to address important issues related to consumer reporting and student loan servicing. The Bureau has also eliminated a listing for certain mortgage-related rulemakings inherited from other agencies pursuant to the transfer of rulemaking authority under the Dodd-Frank Act in 2011. The Bureau remains interested in the subjects of these rulemakings but anticipates that it would develop new proposals rather than finalizing notices that are at least five years old.

With regard to consumer reporting, the Bureau continues to monitor the credit reporting market through its supervisory, enforcement, and research efforts, and to consider prior research, including a white paper the Bureau published on the largest consumer reporting agencies in December 2012, and reports on credit report accuracy produced by the Federal Trade Commission pursuant to the Fair and Accurate Credit Transactions Act. As this work continues, the Bureau will evaluate possible policy responses to issues identified, including potential additional rules or amendments to existing rules governing consumer reporting. Potential topics for consideration might include the accuracy of credit reports, including the processes for resolving consumer disputes, or other issues.

Further, in May 2015, the CFPB issued a request for information seeking comment from the public regarding student loan servicing practices, including those related to payment processing, servicing transfers, complaint resolution, co-signer release, and procedures regarding alternative repayment and refinancing options. In September 2015, the CFPB released a report regarding student loan servicing practices, based, in part, on comments submitted in response to the request for information. The CFPB will also continue to monitor the student loan servicing market for trends and developments. As this work continues, the Bureau will evaluate possible policy responses, including potential rulemaking. Possible topics for consideration might include specific acts or practices and consumer disclosures.

The Bureau has continued work to consider opportunities to modernize and streamline regulations that it inherited from other agencies pursuant to a transfer of rulemaking authority under the Dodd-Frank Act. This work includes implementing the consolidation and streamlining of federal mortgage disclosure forms discussed earlier, and exploring opportunities to reduce unwarranted regulatory burden as part of the HMDA rulemaking. While the Bureau considers the modernizing and streamlining effort to be important, it has determined that aspects of the inherited proposals to amend Regulation Z have become stale with the passage of several years since their issuance. At this point, the Bureau believes that any rulemaking it may undertake in the areas the proposals addressed would be best achieved through fresh initiatives that would begin with new proposals based on new reviews of the relevant markets and other appropriate outreach and fact gathering, followed by fresh analyses of any policy and legal issues or concerns presented. The CFPB has been evaluating further action regarding these pending proposals and, at this time, has determined that it will take no further action. For this reason, the Bureau has chosen not to include the item entry titled, ''TILA Mortgage Amendments (Regulations Z)'' (RIN 3170–AA09) from the current edition of the semiannual regulatory agenda. The Bureau is continuing to assess the mortgage market on an ongoing basis and will revisit the need to initiate new proposals at a later date.

The Bureau also has begun planning to conduct assessments of significant rules it has adopted, pursuant to section 1022(d) of the Dodd-Frank Act. That section requires the Bureau to conduct such assessments to address, among other relevant factors, the effectiveness of the rules in meeting the purposes and objectives of title X of the Dodd-Frank Act and the specific goals of the rules assessed, to publish a report of each assessment not later than 5 years after the effective date of the subject rule, and to invite public comment on recommendations for modifying, expanding, or eliminating the subject rule before publishing each report. The Bureau will provide further information about its expectations for the lookback process as its planning continues.

Dated: September 18, 2015.

Meredith Fuchs,

General Counsel, Bureau of Consumer Financial Protection.

CONSUMER FINANCIAL PROTECTION BUREAU—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
427	Business Lending Data (Regulation B)	3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
428	Payday Loans and Deposit Advance Products	3170–AA40

CONSUMER FINANCIAL PROTECTION BUREAU—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
429	The Expedited Funds Availability Act (Regulation CC)	3170–AA31

CONSUMER FINANCIAL PROTECTION BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
430	Home Mortgage Disclosure Act (Regulation C)	3170–AA10

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Prerule Stage

427. Business Lending Data (Regulation B)

Legal Authority: 15 U.S.C. 1691c–2

Abstract: Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amends the Equal Credit Opportunity Act (ECOA) to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. The amendments to ECOA made by the Dodd-Frank Act require that certain data be collected and maintained, including the number of the application and date the application was received; the type and purpose of loan or credit applied for; the amount of credit applied for and approved; the type of action taken with regard to each application and the date of such action; the census tract of the principal place of business; the gross annual revenue of the business; and the race, sex, and ethnicity of the principal owners of the business. The Dodd-Frank Act also provides authority for the CFPB to require any additional data that the CFPB determines would aid in fulfilling the purposes of this section. The Bureau will focus on outreach and research to develop its understanding of the players, products, and practices in the small business lending market and of the potential ways to implement section 1071. The CFPB then expects to begin developing proposed regulations concerning the data to be collected and appropriate procedures, information safeguards, and privacy protections for information-gathering under this section.

Timetable:

Action	Date	FR Cite
Prerule Activities	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elena Grigera Babinecz, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA09

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Proposed Rule Stage

428. Payday Loans and Deposit Advance Products

Legal Authority: Not Yet Determined

Abstract: The Bureau is considering rules to address consumer harms from practices related to payday loans and other similar credit products, including failure to determine whether consumers have the ability to repay without default or reborrowing and certain payment collection practices. Under the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Bureau released in March 2015 an outline of proposals under consideration for the rulemaking. As part of SBREFA process, in April 2015, the Bureau along with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy, met with small lenders that may be affected by the rulemaking to obtain feedback on the proposals. This rulemaking builds on Bureau research, including a white paper the Bureau published on these products in April 2013, a data point providing additional research in March 2014, and ongoing analysis. The Bureau expects to issue a Notice of Proposed Rulemaking in early 2016 after additional outreach and analysis.

Timetable:

Action	Date	FR Cite
NPRM	02/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Morelli, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA40

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Final Rule Stage

429. The Expedited Funds Availability Act (Regulation CC)

Legal Authority: 12 U.S.C. 4001 *et seq.*

Abstract: The Expedited Funds Availability Act (EFA Act), implemented by Regulation CC, governs availability of funds after a check deposit and check collection and return processes. Section 1086 of the Dodd-Frank Wall Street Reform and Consumer Protection Act amended the EFA Act to provide the CFPB with joint rulemaking authority with the Board of Governors of the Federal Reserve System (Board) over certain consumer-related EFA Act provisions. The Board proposed amendments to Regulation CC in March 2011, to facilitate the banking industry's ongoing transition to fully-electronic interbank check collection and return. The Board's proposal includes some provisions that are subject to the CFPB's joint rulemaking authority, including the period for funds availability and revising model form disclosures. In addition, in December 2013, the Board proposed revised amendments to certain Regulation CC provisions that are not subject to the CFPB's authority and stated in the proposal that the comment period has been extended to May 2, 2014. The CFPB will work with the Board to issue jointly a final rule that includes provisions within the CFPB's authority.

Timetable:

Action	Date	FR Cite
NPRM	03/25/11	76 FR 16862
NPRM Comment Period End.	06/03/11	
Final Rule	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph Baressi, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA31

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Completed Actions

430. Home Mortgage Disclosure Act (Regulation C)

Legal Authority: 12 U.S.C. 2801 to 2810

Abstract: Section 1094 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended the Home Mortgage Disclosure Act (HMDA), which requires certain financial institutions to collect and

report information in connection with housing-related loans and applications they receive for such loans. The amendments made by the Dodd-Frank Act, among other things, expand the scope of information relating to mortgage applications and loans that must be compiled, maintained, and reported under HMDA, including the ages of loan applicants and mortgagors, information relating to the points and fees payable at origination, the difference between the annual percentage rate associated with the loan and benchmark rates for all loans, the term of any prepayment penalty, the value of the property to be pledged as collateral, the term of the loan and of any introductory interest rate for the loan, the presence of contract terms allowing non-amortizing payments, the application channel, and the credit scores of applicants and mortgagors. The Dodd-Frank Act also provides authority for the CFPB to require other information, including identifiers for loans, parcels, and loan originators. The CFPB released a proposal in July 2014 published in the **Federal Register** on August 29, 2014, that would add data points in accordance with the Dodd-Frank Act amendments. The proposal also included other revisions to its regulations to effectuate the purposes of HMDA, including changes to institutional and transactional coverage, modifications of reporting requirements, and clarifications of other existing regulatory provisions. The Bureau issued the final rule in fall 2015.

Timetable:

Action	Date	FR Cite
NPRM	08/29/14	79 FR 51731
NPRM Comment Period End.	10/29/14	
Final Rule	10/28/15	80 FR 66127
Final Rule Effective.	01/01/18	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elena Grigera Babinecz, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA10

[FR Doc. 2015–30668 Filed 12–14–15; 8:45 am]

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Part XXIII

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions that the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866. The Commission welcomes comments on the agenda and on the individual agenda entries.

DATES: Comments should be received in the Office of the Secretary on or before January 14, 2016.

ADDRESSES: Comments on the regulatory flexibility agenda should be captioned, ''Regulatory Flexibility Agenda,'' and be emailed to: *cpsc-os@cpsc.gov.* Comments may also be mailed or delivered to the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814–4408.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Eileen Williams, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408; *ewilliams@cpsc.gov.* For further information regarding a particular item on the agenda, consult the individual listed in the column headed, ''Contact'' for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 to 612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated, which is likely to have a ''significant economic impact'' on a ''substantial number'' of small entities. The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda also is required to contain the name and address of the agency official knowledgeable about the items listed. Furthermore, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish, twice each year, a regulatory agenda of regulations under development or review during the next year, and the executive order states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that appeared in the spring 2015 agenda and have been completed by the Commission prior to publication of this agenda. Although CPSC, as an independent regulatory agency, is not required to comply with Executive Orders, the Commission does follow Executive Order 12866 with respect to the publication of its regulatory agenda.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda.

Beginning in fall 2007, the Internet became the basic means of disseminating the Unified Agenda. The complete Unified Agenda will be available online at: *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Commission's printed agenda entries include only:

(1) Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

The agenda reflects an assessment of the likelihood that the specified event will occur during the next year; the precise dates for each rulemaking are uncertain and new information, changes of circumstances or of law may alter anticipated timing. In addition, no final determination by staff or the Commission regarding the need for, or the substance of, any rule or regulation should be inferred from this agenda.

Dated: September 18, 2015.

Todd A. Stevenson,

Secretary, U.S. Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
431	Rule Review of: Standard for the Flammability (Open Flame) of Mattress Sets **(Section 610 Review)**	3041–AD47

CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
432	Recreational Off-Road Vehicles	3041–AC78

CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
433	Standard for Sling Carriers	3041–AD28

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Prerule Stage

431. Rule Review of: Standard for the Flammability (Open Flame) of Mattress Sets (Section 610 Review)

Legal Authority: 5 U.S.C. 1193, Flammable Fabrics Act; 5 U.S.C. 610, Regulatory Flexibility Act

Abstract: The Commission published the Standard for the Flammability (Open Flame) of Mattress Sets in March 2006. The Standard sets open flame performance measures on all mattress sets entered into commerce on or after the effective date in July 2007. The purpose of the rule review is to assess the impact of the rule on small entities and to determine whether the rule should be continued without change, or should be amended or rescinded to make the rule more effective or less burdensome while still maintaining safety objectives. CPSC staff will solicit comments on the rule through a **Federal Register** notice. Staff will also conduct economic and fire loss data analyses to review the impact and effectiveness of the rule. A staff briefing package to the Commission will follow.

Timetable:

Action	Date	FR Cite
Notice for Comment Published in the **Federal Register**.	04/03/15	80 FR 18218
Comment Period End.	06/02/15	
Staff Sends Briefing Package to Commission.	09/00/16	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Lisa Scott, Project Manager, Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2064, *Email: lscott@cpsc.gov*.

RIN: 3041–AD47

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Final Rule Stage

432. Recreational Off–Road Vehicles

Legal Authority: 15 U.S.C. 2051

Abstract: The Commission is considering whether recreational off-road vehicles (ROVs) present an unreasonable risk of injury that should be regulated. ROVs are motorized vehicles having four or more low-pressure tires designed for off-road use and intended by the manufacturer primarily for recreational use by one or more persons. The salient characteristics of an ROV include a steering wheel for steering control, foot controls for throttle and braking, bench or bucket seats, a roll-over protective structure, and a maximum speed greater than 30 mph. On October 21, 2009, the Commission voted (4–0–1) to publish an advance notice of proposed rulemaking (ANPRM) in the **Federal Register**. The ANPRM was published in the **Federal Register** on October 28, 2009, and the comment period ended December 28, 2009. The Commission received two letters requesting an extension of the comment period. The Commission extended the comment period until March 15, 2010. Staff conducted testing and evaluation programs to develop performance requirements addressing vehicle stability, vehicle handling, and occupant protection. On October 29, 2014, the Commission voted (3–2) to publish an NPRM proposing standards addressing vehicle stability, vehicle handling, and occupant protection. The NPRM was published in the **Federal Register** on November 19, 2014. On January 23, 2015, the Commission published a notice of extension of the comment period for the NPRM, extending the comment period to April 8, 2015. Following review of the comments, staff will prepare a final rule briefing package in FY 2016 for Commission consideration.

Timetable:

Action	Date	FR Cite
Staff Sends ANPRM Briefing Package to Commission.	10/07/09	
Commission Decision.	10/21/09	
ANPRM	10/28/09	74 FR 55495
ANPRM Comment Period Extended.	12/22/09	74 FR 67987
Extended Comment Period End.	03/15/10	
Staff Sends NPRM Briefing Package to Commission.	09/24/14	
Staff Sends Supplemental Information on ROVs to Commission.	10/17/14	
Commission Decision.	10/29/14	
NPRM Published in **Federal Register**.	11/19/14	79 FR 68964
NPRM Comment Period Extended.	01/23/15	80 FR 3535
Extended Comment Period End.	04/08/15	
Staff Sends Final Rule Briefing Package to Commission.	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2225, *Email: cpaul@cpsc.gov*.

RIN: 3041–AC78

433. Standard for Sling Carriers

Legal Authority: Pub. L. 110–314, sec 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable voluntary standards, and in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard, or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that not later than August 14, 2009, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every six months thereafter. The Commission proposed a

consumer product safety standard for infant sling carriers as part of this series of standards for durable infant and toddler products. On June 13, 2014, staff sent an NPRM briefing package to the Commission. The Commission voted unanimously (3–0) to approve publication of the NPRM in the **Federal Register**. The NPRM was published in the **Federal Register** on July 23, 2014. Following review of the comments, staff will prepare a final rule briefing package for the Commission's consideration.

Timetable:

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to the Commission.	06/13/14	
Commission Decision to Publish NPRM.	07/09/14	
NPRM	07/23/14	79 FR 42724
NPRM Comment Period End.	10/06/14	
Staff Sends Final Rule Briefing Package to Commission.	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hope Nesteruk, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2579, *Email: hnesteruk@cpsc.gov*.

RIN: 3041–AD28

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Part XXIV

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions—Fall 2015

AGENCY: Federal Communications Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. (U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings. The complete Unified Agenda will be published on the Internet in a searchable format at *www.reginfo.gov*.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maura McGowan, Telecommunications Specialist, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, (202) 418–0990.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (*e.g.,* Docket No. 96–1 or Docket No. 99–1). The abbreviation for the responsible bureau usually precedes the docket number, as in ''MB Docket No. 96–222,'' which indicates that the responsible bureau is the Media Bureau. A docket number consisting of only five digits (*e.g.,* Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM)—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

Further Notice of Proposed Rulemaking (FNPRM)—issued by the Commission when additional comment in the proceeding is sought.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

Marlene H. Dortch,

Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
434	Implementation of the Telecom Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities (WT Docket No. 96–198).	3060–AG58
435	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
436	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
437	Consumer Information, Disclosure, and Truth in Billing and Billing Format	3060–AI61
438	Closed-Captioning of Video Programming; Gen Docket Nos. 05–231 and 06–181 **(Section 610 Review)**	3060–AI72
439	Accessibility of Programming Providing Emergency Information; MB Docket No. 12–107	3060–AI75
440	Empowering Consumers to Avoid Bill Shock (Docket No. 10–207)	3060–AJ51
441	Contributions to the Telecommunications Relay Services Fund (CG Docket No. 11–47)	3060–AJ63
442	Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (''Cramming'')	3060–AJ72
443	Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry.	3060–AJ84
444	Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213).	3060–AK00
445	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24.	3060–AK01

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
446	New Advanced Wireless Services (ET Docket No. 00–258)	3060–AH65
447	Exposure to Radiofrequency Electromagnetic Fields	3060–AI17

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
448	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)	3060–AI52
449	Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)	3060–AJ46
450	Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules (ET Docket No. 10–236).	3060–AJ62
451	Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 11–90)	3060–AJ68
452	WRC–07 Implementation (ET Docket No. 12–338)	3060–AJ93
453	Federal Earth Stations-Non Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115.	3060–AK09
454	Authorization of Radiofrequency Equipment; ET Docket No. 13–44	3060–AK10
455	Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 15–26)	3060–AK29
456	Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)	3060–AK30

OFFICE OF ENGINEERING AND TECHNOLOGY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
457	Innovation in the Broadcast Television Bands (ET Docket No. 10–235)	3060–AJ57
458	Tank Level Probing Radars (ET Docket No. 10–23)	3060–AJ83

INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
459	Space Station Licensing Reform (IB Docket No. 02–34)	3060–AH98
460	International Settlements Policy Reform (IB Docket No. 11–80)	3060–AJ77
461	Reform of Rules and Policies on Foreign Carrier Entry Into the U.S. Telecommunications Market (IB Docket 12–299).	3060–AJ97
462	Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)	3060–AJ98
463	Expanding Broadband and Innovation through Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0–14.5 GHz Band; GN Docket No. 13–114.	3060–AK02
464	Terrestrial Use of the 2473–2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules of Mobile Satellite Service System; IB Docket No. 13–213.	3060–AK16

INTERNATIONAL BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
465	Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112).	3060–AI42

MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
466	Broadcast Ownership Rules	3060–AH97
467	Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185).	3060–AI38
468	Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)	3060–AJ27
469	Amendment of the Commission's Rules Related to Retransmission Consent (MB Docket No. 10–71)	3060–AJ55
470	Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154).	3060–AJ67
471	Accessibility of User Interfaces and Video Programming Guides and Menus (MB Docket No. 12–108)	3060–AK11
472	Network Non-Duplication and Syndicated Exclusivity Rule (MB Docket No. 14–29)	3060–AK18
473	Expansion of Online Public File Obligations To Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees; MB Docket No. 14–127.	3060–AK23
474	Channel Sharing by Full Power and Class A Stations Outside of the Incentive Auction Context; (MB Docket No. 15–137).	3060–AK42
475	Preserving Vacant Channels in the UHF Television Band for Unlicensed Use; (MB Docket No. 15–68)	3060–AK43

OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
476	Assessment and Collection of Regulatory Fees	3060–AI79
477	Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of CORES Registration System; MD Docket No. 10–234.	3060–AJ54

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
478	Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems	3060–AG34
479	Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–117.	3060–AG60
480	In the Matter of the Communications Assistance for Law Enforcement Act	3060–AG74
481	Implementation of 911 Act (CC Docket No. 92–105, WT Docket No. 00–110)	3060–AH90
482	Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)	3060–AI22
483	E911 Requirements for IP-Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36).	3060–AI62
484	Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114	3060–AJ52
485	700 MHz Public Safety Broadband—First Net (PS Docket Nos. 12–94 & 06–229 and WT 06–150)	3060–AJ99
486	Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHz Bands.	3060–AK19
487	Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206.	3060–AK39
488	Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80.	3060–AK40
489	New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35	3060–AK41

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
490	Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers	3060–AH83
491	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)	3060–AI35
492	Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211).	3060–AI88
493	Facilitating the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands.	3060–AJ12
494	Service Rules for Advanced Wireless Services in the 2155–2175 MHz Band; WT Docket No. 13–185	3060–AJ19
495	Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band (WT Docket No. 08–166) Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary.	3060–AJ21
496	Amendment of the Commission's Rules to Improve Public Safety Communications in the 800 MHz Band, and to Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels.	3060–AJ22
497	Amendment of Part 101 to Accommodate 30 MHz Channels in the 6525–6875 MHz Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHz Band (WT Docket No. 04–114).	3060–AJ28
498	In the Matter of Service Rules for the 698 to 746, 747 to 762, and 777 to 792 MHz Bands	3060–AJ35
499	National Environmental Act Compliance for Proposed Tower Registrations; In the Matter of Effects on Migratory Birds.	3060–AJ36
500	Amendment of Part 90 of the Commission's Rules	3060–AJ37
501	Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility.	3060–AJ47
502	2004 and 2006 Biennial Regulatory Reviews—Streamlining and Other Revisions of the Commission's Rules Governing Construction, Marking, and Lighting of Antenna Structures.	3060–AJ50
503	Universal Service Reform Mobility Fund (WT Docket No. 10–208)	3060–AJ58
504	Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz.	3060–AJ59
505	Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHz Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110).	3060–AJ71
506	Service Rules for Advanced Wireless Services in the 2000–2020 MHz and 2180–2200 MHz Bands	3060–AJ73
507	Promoting Interoperability in the 700 MHz Commercial Spectrum; Requests for Waiver and Extension of Lower 700 MHz Band Interim Construction Benchmark Deadlines (WT Docket Nos. 12–69 & 12–332).	3060–AJ78
508	Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Docket No. 12–268.	3060–AJ82
509	Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands (WT Docket No. 12–357).	3060–AJ86
510	Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
511	Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 and 09–42).	3060–AJ88
512	Amendment of the Commission's Rules Concerning Commercial Radio Operators (WT Docket No. 10–177).	3060–AJ91
513	Radiolocation Operations in the 78–81 GHz Band; WT Docket No. 11–202	3060–AK04
514	Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology; WT Docket No. 11–6.	3060–AK05
515	Promoting Technological Solutions to Combat Wireless Contraband Device Use in Correctional Facilities	3060–AK06
516	800 MHz Cellular Telecommunications Licensing Reform; Docket No. 12–40	3060–AK13
517	Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies; WT Docket Nos. 13–238, 13–32 and WC Docket No. 11–59.	3060–AK22
518	Updating Competitive Bidding Rules	3060–AK28

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
519	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AF85
520	2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements	3060–AH72
521	National Exchange Carrier Association Petition	3060–AI47
522	IP-Enabled Services; WC Docket No. 04–36	3060–AI48
523	Jurisdictional Separations	3060–AJ06
524	Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21).	3060–AJ14
525	Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15
526	Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)	3060–AJ32
527	Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51).	3060–AJ64
528	Rural Call Completion; WC Docket No. 13–39	3060–AJ89
529	Rates for Inmate Calling Services; WC Docket No. 12–375	3060–AK08
530	Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)	3060–AK20
531	Protecting and Promoting the Open Internet; (WC Docket No. 14–28)	3060–AK21
532	Emerging Wireline Networks and Services; GN Docket No 13–5, WC Docket No. 05–25	3060–AK32
533	Modernizing Common Carrier Rules, WC Docket No 15–33	3060–AK33
534	Numbering Policies for Modern Communications, WC Docket No. 13–97	3060–AK36

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Long-Term Actions

434. Implementation of the Telecom Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities (WT Docket No. 96–198)

Legal Authority: 47 U.S.C. 255; 47 U.S.C. 251(a)(2)

Abstract: These proceedings implement the provisions of sections 255 and 251(a)(2) of the Communications Act and related sections of the Telecommunications Act of 1996 regarding the accessibility of telecommunications equipment and services to persons with disabilities.

Timetable:

Action	Date	FR Cite
R&O	08/14/96	61 FR 42181
NOI	09/26/96	61 FR 50465
NPRM	05/22/98	63 FR 28456
R&O	11/19/99	64 FR 63235
Further NOI	11/19/99	64 FR 63277
Public Notice	01/07/02	67 FR 678
R&O	08/06/07	72 FR 43546
Petition for Waiver	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Final Rule	04/21/08	73 FR 21251
Public Notice	08/01/08	73 FR 45008
Extension of Waiver.	05/15/08	73 FR 28057
Extension of Waiver.	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
Extension of Waiver.	07/29/09	74 FR 37624
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
FNPRM	12/30/11	76 FR 82240
Comment Period End.	03/14/12	
R&O	12/30/11	76 FR 82354
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O	05/22/13	78 FR 30226
FNPRM	12/20/13	78 FR 77074
FNPRM Comment Period End.	02/18/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cheryl J. King, Deputy Chief, Disability Rights Office, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2284, *TDD Phone:* 202 418–0416, *Fax:* 202 418–0037, *Email: cheryl.king@fcc.gov*.

RIN: 3060–AG58

435. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278)

Legal Authority: 47 U.S.C. 227

Abstract: On July 3, 2003, the Commission released a Report and

Order establishing, along with the FTC, a national do-not-call registry. The Commission's Report and Order also adopted rules on the use of predictive dialers, the transmission of caller ID information by telemarketers, and the sending of unsolicited fax advertisements. On September 21, 2004, the Commission released an Order amending existing safe harbor rules for telemarketers subject to the do-not-call registry to require such telemarketers to access the do-not-call list every 31 days, rather than every three months. On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration amending its facsimile advertising rules to implement the Junk Fax Protection Act of 2005. On October 14, 2008, the Commission released an Order on Reconsideration addressing certain issues raised in petitions for reconsideration and/or clarification of the Report and Order and Third Order on Reconsideration. On January 4, 2008, the Commission released a Declaratory Ruling, clarifying that autodialed and prerecorded message calls to wireless numbers that are provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the ''prior express consent'' of the called party. Following a December 4, 2007, NPRM, on June 17, 2008, the Commission released a Report and Order amending its rules to require sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry indefinitely, unless the registration is cancelled by the consumer or the number is removed by the database administrator. Following a January 22, 2010, NPRM, the Commission released a Report and Order (on February 15, 2012) requiring telemarketers to obtain prior express written consent, including by electronic means, before making an autodialed or prerecorded telemarketing call to a wireless number or before making a prerecorded telemarketing call to a residential line; eliminating the ''established business relationship'' exemption to the consent requirement for prerecorded telemarketing calls to residential lines; requiring telemarketers to provide an automated, interactive ''opt-out'' mechanism during autodialed or prerecorded telemarketing calls to wireless numbers and during prerecorded telemarketing calls to residential lines; and requiring that the abandoned call rate for telemarketing calls be calculated on a ''per-campaign'' basis. On November 29, 2012, the Commission released a Declaratory Ruling clarifying that sending a one-time text message confirming a consumer's request that no further text messages be sent does not violate the Telephone Consumer Protection Act (TCPA) or the Commission's rules as long as the confirmation text only confirms receipt of the consumer's opt-out request, and does not contain marketing, solicitations, or an attempt to convince the consumer to reconsider his or her opt-out decision. The ruling applies only when the sender of the text messages has obtained prior express consent, as required by the TCPA and Commission rules, from the consumer to be sent text messages using an automatic telephone dialing system. On May 9, 2013, the Commission released a declaratory ruling clarifying that while a seller does not generally ''initiate'' calls made through a third-party telemarketer, within the meaning of the Telephone Consumer Protection Act (TCPA), it nonetheless may be held vicariously liable under Federal common law principles of agency for violations of either section 227(b) or section 227(c) that are committed by third-party telemarketers.

On July 10, 2015, the commission released a Declaratory Ruling and Order resolving 21 separate requests for clarification or other action regarding the TCPA. It clarified, among other things, that: Nothing in the Communications Act of the Commission's rules prohibits carriers or other service providers from implementing consumer-initiated call-blocking technologies; equipment meets the TCPA's definition of ''autodialer'' if it has the ''capacity'' to store or produce random sequential numbers, and to dial them, even if it is not presently used for that purpose; an ''app'' provider that plays a minimal role in making a call, such as just proving the app itself, is not the maker of the call for TCPA purposes; consumers who have previously consented to robocalls may revoke that consent at any time and through any reasonable means; the TCPA requires the consent of the party called—the subscriber to a phone number or the customary user of the number—not the intended recipient of the call; and callers who make calls without knowledge or reassignment of a wireless phone number and with a reasonable basis to believe that they have valid consent to make the call to the wireless number should be able to initiate one call after reassignment as an additional opportunity to gain actual or constructive knowledge of the reassignment and cease future calls to the new subscriber. The Commission also exempted certain financial and healthcare-related calls, when free to the consumer, from the TCPA's consumer-consent requirement.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Reconsideration.	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Reconsideration.	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Reconsideration.	10/30/08	73 FR 64556
NPRM	03/22/10	75 FR 13471
R&O	06/11/12	77 FR 34233
Public Notice	06/30/10	75 FR 34244
Public Notice (Reconsideration Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections	11/08/12	77 FR 66935
Declaratory Ruling (Release Date).	11/29/12	
Delaratory Ruling and Order (Release Date).	07/10/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristi Lemoine, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2467, *Email: kristi.lemoine@fcc.gov*.

RIN: 3060–AI14

436. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This proceeding established a new docket flowing from the previous telecommunications relay service (TRS) history, CC Docket No. 98–67. This proceeding continues the Commission's inquiry into improving the quality of TRS and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology

and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
R&O, Order on Reconsideration.	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Order	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order	07/01/05	70 FR 38134
Order on Reconsideration.	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order	09/14/05	70 FR 54294
Order	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
R&O/Order on Reconsideration.	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
NPRM	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM	05/31/06	71 FR 30848
FNPRM	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Declaratory Ruling on Reconsideration.	07/06/06	71 FR 38268
Order on Reconsideration.	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order	03/14/07	72 FR 11789
R&O	08/06/07	72 FR 43546
Public Notice	08/16/07	72 FR 46060
Order	11/01/07	72 FR 61813
Public Notice	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order	02/19/08	73 FR 9031
Order	04/21/08	73 FR 21347
R&O	04/21/08	73 FR 21252
Order	04/23/08	73 FR 21843
Public Notice	04/30/08	73 FR 23361
Order	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM	07/18/08	73 FR 41307
R&O	07/18/08	73 FR 41286
Public Notice	08/01/08	73 FR 45006
Public Notice	08/05/08	73 FR 45354
Public Notice	10/10/08	73 FR 60172
Order	10/23/08	73 FR 63078
2nd R&O and Order on Reconsideration.	12/30/08	73 FR 79683
Order	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
NPRM	05/21/09	74 FR 23815
Public Notice	05/21/09	74 FR 23859
Public Notice	06/12/09	74 FR 28046
Order	07/29/09	74 FR 37624
Public Notice	08/07/09	74 FR 39699
Order	09/18/09	74 FR 47894
Order	10/26/09	74 FR 54913
Public Notice	05/12/10	75 FR 26701
Order Denying Stay Motion (Release Date).	07/09/10	
Order	08/13/10	75 FR 49491
Order	09/03/10	75 FR 54040
NPRM	11/02/10	75 FR 67333
NPRM	05/02/11	76 FR 24442
Order	07/25/11	76 FR 44326
Final Rule (Order)	09/27/11	76 FR 59551
Final Rule; Announcement of Effective Date.	11/22/11	76 FR 72124
Proposed Rule (Public Notice).	02/28/12	77 FR 11997
Proposed Rule (FNPRM).	02/01/12	77 FR 4948
First R&O	07/25/12	77 FR 43538
Public Notice	10/29/12	77 FR 65526
Order on Reconsideration.	12/26/12	77 FR 75894
Order	02/05/13	78 FR 8030
Order (Interim Rule).	02/05/13	78 FR 8032
NPRM	02/05/13	78 FR 8090
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/13/13	
FNPRM	07/05/13	78 FR 40407
FNPRM Comment Period End.	09/18/13	
R&O	07/05/13	78 FR 40582
R&O	08/15/13	78 FR 49693
FNPRM	08/15/13	78 FR 49717
FNPRM Comment Period End.	09/30/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78 FR 54201
NPRM	10/23/13	78FR 63152
FNPRM Comment Period End.	11/18/13	
Petiton for Reconsideration; Request for Comment.	12/16/13	78 FR 76096
Petition for Reconsideration; Request for Comment.	12/16/13	78 FR 76097
Request for Clarification; Request for Comment; Correction.	12/30/13	78 FR 79362
Petition for Reconsideration Comment Period End.	01/10/14	
NPRM Comment Period End.	01/21/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Public Notice	09/15/14	79 FR 54979
R&O and Order	10/21/14	79 FR 62875
FNPRM	10/21/14	79 FR 62935
FNPRM Comment Period End.	12/22/14	
Final Action (Announcement of Effective Date).	10/30/14	79 FR 64515
Final Rule Effective.	10/30/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karen Peltz Strauss, Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2388, *Email: karen.strauss@fcc.gov*.

RIN: 3060–AI15

437. Consumer Information, Disclosure, and Truth In Billing and Billing Format

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 258

Abstract: In 1999, the Commission adopted truth-in-billing rules to address concerns that there is consumer confusion relating to billing for telecommunications services. On March 18, 2005, the Commission released an Order and Further Notice of Proposed Rulemaking (FNPRM) to further facilitate the ability of telephone consumers to make informed choices among competitive service offerings. On August 28, 2009, the Commission released a Notice of Inquiry that asks questions about information available to consumers at all stages of the purchasing process for all communications services, including: (1) Choosing a provider; (2) choosing a service plan; (3) managing use of the service plan; and (4) deciding whether and when to switch an existing provider or plan. On October 14, 2010, the Commission released a Notice of Proposed Rulemaking (NPRM) proposing rules that would require mobile service providers to provide usage alerts and information that will assist consumers in avoiding unexpected charges on their bills. On July 12, 2011, the Commission released an NPRM proposing rules that would assist consumers in detecting and

preventing the placement of unauthorized charges on their telephone bills, an unlawful and fraudulent practice, commonly referred to as ''cramming.'' On April 27, 2012, the Commission adopted rules to address ''cramming'' on wireline telephone bills and released an FNPRM seeking comment on additional measures to protect wireline and wireless consumers from unauthorized charges.

Timetable:

Action	Date	FR Cite
FNPRM	05/25/05	70 FR 30044
R&O	05/25/05	70 FR 29979
NOI	08/28/09	
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM	11/26/10	75 FR 72773
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Reply Comment Period Extended).	11/30/11	76 FR 74017
Reply Comment Period End.	12/05/11	
R&O	05/24/12	77 FR 30915
FNPRM	05/24/12	77 FR 30972
FNPRM Comment Period End.	07/09/12	
Order (Comment Period Extended).	07/17/12	77 FR 41955
Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71353
Correction of Final Rule.	11/30/12	77 FR 71354
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov*.

RIN: 3060–AI61

438. Closed-Captioning of Video Programming; Gen Docket Nos. 05–231 and 06–181 (Section 610 Review)

Legal Authority: 47 U.S.C. 613

Abstract: The Commission's closed-captioning rules are designed to make video programming more accessible to deaf and hard-of-hearing Americans. This proceeding resolves some issues regarding the Commission's closed-captioning rules that were raised for comment in 2005, and also seeks comment on how a certain exemption from the closed-captioning rules should be applied to digital multicast broadcast channels.

Timetable:

Action	Date	FR Cite
NPRM	02/03/97	62 FR 4959
R&O	09/16/97	62 FR 48487
Order on Reconsideration.	10/20/98	63 FR 55959
NPRM	09/26/05	70 FR 56150
Order and Declaratory Ruling.	01/13/09	74 FR 1594
NPRM	01/13/09	74 FR 1654
Final Rule Correction.	09/11/09	74 FR 46703
Final Rule (Announcement of Effective Date).	02/19/10	75 FR 7370
Order	02/19/10	75 FR 7368
Order Suspending Effective Date.	02/19/10	75 FR 7369
Waiver Order	10/04/10	75 FR 61101
Public Notice	11/17/10	75 FR 70168
Interim Final Rule (Order).	11/01/11	76 FR 67376
Final Rule (MO&O).	11/01/11	76 FR 67377
NPRM	11/01/11	76 FR 67397
NPRM Comment Period End.	12/16/11	
Public Notice	05/04/12	77 FR 26550
Public Notice	12/15/12	77 FR 72348
Final Rule Effective.	03/16/15	
FNPRM	03/27/14	79 FR 17094
R&O	03/31/14	79 FR 17911
FNPRM Comment Period End.	07/25/14	
Final Action (Announcement of Effective Date).	12/29/14	79 FR 77916
2nd FNPRM	12/31/14	79 FR 78768
Comment Period End.	01/30/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov*.

RIN: 3060–AI72

439. Accessibility of Programming Providing Emergency Information; MB Docket No. 12–107

Legal Authority: 47 U.S.C. 613

Abstract: In this proceeding, the Commission adopted rules detailing how video programming distributors must make emergency information accessible to persons with hearing and visual disabilities.

Timetable:

Action	Date	FR Cite
FNPRM	01/21/98	63 FR 3070
NPRM	12/01/99	64 FR 67236
NPRM Correction	12/22/99	64 FR 71712
Second R&O	05/09/00	65 FR 26757
R&O	09/11/00	65 FR 54805
Final Rule; Correction.	09/20/00	65 FR 5680
NPRM	11/28/12	77 FR 70970
NPRM Comment Period Extended.	12/20/12	77 FR 75404
NPRM Comment Period Extension End.	01/07/13	
R&O	05/24/13	78 FR 31770
FNPRM	05/24/13	78 FR 31800
FNPRM	12/20/13	78 FR 77074
FNPRM Comment Period End.	02/18/14	
NPRM	06/18/13	78 FR 36478
NPRM Comment Period End.	08/07/13	
R&O	12/20/13	78 FR 77210
Petition for Reconsideration.	01/31/14	79 FR 5364
Comment Period End.	02/25/14	
Correcting Amendments.	02/10/14	79 FR 7590
Announcement of Effective Date.	04/16/14	79 FR 21399
Final Action (Announcement of Effective Date).	01/26/15	80 FR 3913
Final Action Effective.	01/26/15	
2nd R&O	07/10/15	80 FR 39698
2nd FNPRM	07/10/15	80 FR 39722
2nd FNPRM Comment Period End.	09/08/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov*.

RIN: 3060–AI75

440. Empowering Consumers to Avoid Bill Shock (Docket No. 10–207)

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: On October 14, 2010, the Commission released a Notice of Proposed Rulemaking which proposes a rule that would require mobile service providers to provide usage alerts and information to help consumers avoid unexpected charges on their bills.

Timetable:

Action	Date	FR Cite
Public Notice	05/20/10	75 FR 28249
NPRM	11/26/10	75 FR 72773

Action	Date	FR Cite
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov*.

RIN: 3060–AJ51

441. Contributions to the Telecommunications Relay Services Fund (CG Docket No. 11–47)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225; 47 U.S.C. 616

Abstract: The Commission prescribes by regulation the obligations of each provider of interconnected and non-interconnected Voice over Internet Protocol (VoIP) service to participate in and contribute to the Interstate Telecommunications Relay Services Fund in a manner that is consistent with and comparable to such fund.

Timetable:

Action	Date	FR Cite
NPRM	04/04/11	76 FR 18490
NPRM Comment Period End.	05/04/11	
Final Rule	10/25/11	76 FR 65965
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2075, *Email: rosaline.crawford@fcc.gov*.

RIN: 3060–AJ63

442. Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (''Cramming'')

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: On July 12, 2011, the Commission released a Notice of Proposed Rulemaking proposing rules that would help consumers detect and prevent the placement of unauthorized charges on telephone bills, an unlawful and fraudulent practice commonly referred to as ''cramming.'' On April 27, 2012, the Commission adopted rules to address ''cramming'' on wireline telephone bills and released a Further Notice of Proposed Rulemaking seeking comment on additional measures to protect wireline and wireless consumers from unauthorized charges.

Timetable:

Action	Date	FR Cite
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Extends Reply Comment Period).	11/30/11	76 FR 74017
NPRM Comment Period End.	12/05/11	
FNPRM	05/24/12	77 FR 30972
R&O	05/24/12	77 FR 30915
FNPRM Comment Period End.	07/09/12	
Order (Extends Reply Comment Period).	07/17/12	77 FR 41955
FNPRM Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71354
Correction of Final Rule.	11/30/12	77 FR 71353
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov*.

RIN: 3060–AJ72

443. Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry

Legal Authority: Pub. L. 112–96, sec 6507

Abstract: The Commission issued, on May 22, 2012, an NPRM to initiate a proceeding to create a Do-Not-Call registry for public safety answer points (PSAPs), as required by section 6507 of the Middle Class Tax Relief and Job Creation Act of 2012. The statute requires the Commission to establish a registry that allows PSAPs to register their telephone numbers on a do-not-call list; prohibit the use of automatic dialing equipment to contact registered numbers; and implement a range of monetary penalties for disclosure of registered numbers and for use of automatic dialing equipment to contact such numbers. On October 17, 2012, the Commission adopted final rules implementing the statutory requirements described above.

Timetable:

Action	Date	FR Cite
NPRM	06/21/12	77 FR 37362
R&O	10/29/12	77 FR 71131
Correction Amendments.	02/13/13	78 FR 10099
Announcement of Effective Date.	03/26/13	78 FR 18246
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov*.

RIN: 3060–AJ84

444. Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 255; 47 U.S.C. 617; 47 U.S.C. 618; 47 U.S.C. 619

Abstract: These proceedings implement sections 716, 717, and 718 of the Communications Act, which were added by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), related to the accessibility of advanced communications services and equipment (section 716), recordkeeping and enforcement requirements for entities subject to sections 255, 716, and 718 (section 717), and accessibility of Internet browsers built into mobile phones (section 718).

Timetable:

Action	Date	FR Cite
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
NPRM Comment Period End.	05/13/11	
FNPRM	12/30/11	76 FR 82240
R&O	12/30/11	76 FR 82354
FNPRM Comment Period End.	03/14/12	
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O	05/22/13	78 FR 30226
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission,

445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2075, *Email: rosaline.crawford@fcc.gov*.

RIN: 3060–AK00

445. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: The FCC initiated this proceeding in its effort to ensure that IP CTS is available for eligible users only. In doing so, the FCC released an Interim Order and Notice of Proposed Rulemaking (NPRM) to address certain practices related to the provision and marketing of Internet Protocol Captioned Telephone Service (IP CTS). IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, this new Order establishes several requirements on a temporary basis from March 7, 2013, to September 3, 2013.

Timetable:

Action	Date	FR Cite
NPRM	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032
Order	02/05/13	78 FR 8030
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/12/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/30/13	78 FR 54201
FNPRM Comment Period End.	11/18/13	
Petition for Reconsideration Request for Comment.	12/16/13	78 FR 76097
Petiton for Reconsideration Comment Period End.	01/10/14	
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Greg Hlibok, Chief, Disability Rights Office, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 559–5158, *TDD Phone:* 202 418–0413, *Email: gregory.hlibok@fcc.gov*.

RIN: 3060–AK01

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Long-Term Actions

446. New Advanced Wireless Services (ET Docket No. 00–258)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: This proceeding explores the possible uses of frequency bands below 3 GHz to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks. The Third Notice of Proposed Rulemaking discusses the frequency bands that are still under consideration in this proceeding and invites additional comments on their disposition. Specifically, it addresses the Unlicensed Personal Communications Service (UPCS) band at 1910–1930 MHz, the Multipoint Distribution Service (MDS) spectrum at 2155–2160/62 MHz bands, the Emerging Technology spectrum, at 2160–2165 MHz, and the bands reallocated from MSS 91990–2000 MHz, 2020–2025 MHz, and 2165–2180 MHz. We seek comment on these bands with respect to using them for paired or unpaired Advance Wireless Service (AWS) operations or as relocation spectrum for existing services. The seventh Report and Order facilitates the introduction of Advanced Wireless Service (AWS) in the band 1710–1755 MHz—an integral part of a 90 MHz spectrum allocation recently reallocated to allow for such new and innovative wireless services. We largely adopt the proposals set forth in our recent AWS Fourth NPRM in this proceeding that are designed to clear the 1710–1755 MHz band of incumbent Federal Government operations that would otherwise impede the development of new nationwide AWS services. These actions are consistent with previous actions in this proceeding and with the United States Department of Commerce, National Telecommunications and Information Administration (NTIA) 2002 Viability Assessment, which addressed relocation and reaccommodation options for Federal Government operations in the band. The eighth Report and Order reallocated the 2155–2160 MHz band for fixed and mobile services and designates the 2155–2175 MHz band for Advanced Wireless Service (AWS) use. This proceeding continues the Commission's ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including Advanced Wireless Services. The Order requires Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band to provide information on the construction status and operational parameters of each incumbent BRS system that would be the subject of relocation. The Notice of Proposed Rule Making requested comments on the specific relocation procedures applicable to Broadband Radio Service (BRS) operations in the 2150–2160/62 MHz band, which the Commission recently decided will be relocated to the newly restructured 2495–2690 MHz band. The Commission also requested comments on the specific relocation procedures applicable to Fixed Microwave Service (FS) operations in the 2160–2175 MHz band. The Office of Engineering and Technology (OET) and the Wireless Telecommunications Bureau (WTB) set forth the specific data that Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band must file along with the deadline date and procedures for filing this data on the Commission's Universal Licensing System (ULS). The data will assist in determining future AWS licensees' relocation obligations. The ninth Report and Order established procedures for the relocation of Broadband Radio Service (BRS) operations from the 2150–2160/62 MHz band, as well as for the relocation of Fixed Microwave Service (FS) operations from the 2160–2175 MHz band, and modified existing relocation procedures for the 2110–2150 MHz and 2175–2180 MHz bands. It also established cost-sharing rules to identify the reimbursement obligations for Advanced Wireless Service (AWS) and Mobile Satellite Service (MSS) entrants benefiting from the relocation of incumbent FS operations in the 2110–2150 MHz and 2160–2200 MHz bands and AWS entrants benefiting from the relocation of BRS incumbents in the 2150–2160/62 MHz band. The Commission continues its ongoing efforts to promote spectrum utilization and efficiency with regard to the

provision of new services, including AWS. The Order dismisses a petition for reconsideration filed by the Wireless Communications Association International, Inc. (WCA) as moot. Two petitions for reconsideration were filed in response to the ninth Report and Order. The Report and Orders and Declaratory Ruling concludes the Commission's longstanding efforts to relocate the Broadcast Auxiliary Service (BAS) from the 1990–2110 MHz band to the 2025–2110 MHz band, freeing up 35 megahertz of spectrum in order to foster the development of new and innovative services. This decision addresses the outstanding matter of Sprint Nextel Corporation's (Sprint Nextel) inability to agree with Mobile Satellite Service (MSS) operators in the band on the sharing of the costs to relocate the BAS incumbents. To resolve this controversy, the Commission applied its time-honored relocation principles for emerging technologies previously adopted for the BAS band to the instant relocation process, where delays and unanticipated developments have left ambiguities and misconceptions among the relocating parties. In the process, the Commission balances the responsibilities for and benefits of relocating incumbent BAS operations among all the new entrants in the different services that will operate in the band. The Commission proposed to modify its cost-sharing requirements for the 2 GHz BAS band because the circumstances surrounding the BAS transition are very different than what was expected when the cost-sharing requirements were adopted. The Commission believed that the best course of action was to propose new requirements that would address the ambiguity of applying the literal language of the current requirements to the changed circumstances, as well as balance the responsibilities for and benefits of relocating incumbent BAS operations among all new entrants in the band based on the Commission's relocation policies set forth in the Emerging Technologies proceeding. The Commission proposed to eliminate, as of January 1, 2009, the requirement that Broadcast Auxiliary Service (BAS) licensees in the 30 largest markets and fixed BAS links in all markets be transitioned before the Mobile Satellite Service (MSS) operators can begin offering service. The Commission also sought comments on how to mitigate interference between new MSS entrants and incumbent BAS licensees who had not completed relocation before the MSS entrants begin offering service. In addition, the Commission sought comments on allowing MSS operators to begin providing service in those markets where BAS incumbents have been transitioned. In the Further Notice of Proposed Rule Making the Commission proposed to modify its cost sharing requirements for the 2 GHz BAS band because the circumstances surrounding the BAS transition are very different than what was expected when the cost sharing requirements were adopted. The Commission believes that the best course of action is to propose new requirements that will address the ambiguity of applying the literal language of the current requirements to the changed circumstances, as well as balance the responsibilities for and benefits of relocating incumbent BAS operations among all new entrants in the band based on the Commission's relocation policies set forth in the Emerging Technologies proceeding.

Timetable:

Action	Date	FR Cite
NPRM	01/23/01	66 FR 7438
NPRM Comment Period End.	03/09/01	
Final Report	04/11/01	66 FR 18740
FNPRM	09/13/01	66 FR 47618
MO&O	09/13/01	66 FR 47591
First R&O	10/25/01	66 FR 53973
Petition for Reconsideration.	11/02/01	66 FR 55666
Second R&O	01/24/03	68 FR 3455
Third NPRM	03/13/03	68 FR 12015
Seventh R&O	12/29/04	69 FR 7793
Petition for Reconsideration.	04/13/05	70 FR 19469
Eighth R&O	10/26/05	70 FR 61742
Order	10/26/05	70 FR 61742
NPRM	10/26/05	70 FR 61752
Public Notice	12/14/05	70 FR 74011
Ninth R&O and Order.	05/24/06	71 FR 29818
Petition for Reconsideration.	07/19/06	71 FR 41022
FNPRM	03/31/08	73 FR 16822
R&O and NPRM	06/23/09	74 FR 29607
FNPRM	06/23/09	74 FR 29607
5th R&O, 11th R&O, 6th R&O, and Declaratory Ruling.	11/02/10	75 FR 67227
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney Small, Economist, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2452, *Fax:* 202 418–1944, *Email: rodney.small@fcc.gov.*

RIN: 3060–AH65

447. Exposure to Radiofrequency Electromagnetic Fields

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 302 and 303; 47 U.S.C. 309(j); 47 U.S.C. 336

Abstract: In the Report and Order the Federal Communications Commission (Commission) resolved several issues regarding compliance with its regulations for conducting environmental reviews under the National Environmental Policy Act (NEPA) as they relate to the guidelines for human exposure to RF electromagnetic fields. More specifically, the Commission clarifies evaluation procedures and references to determine compliance with its limits, including specific absorption rate (SAR) as a primary metric for compliance, consideration of the pinna (outer ear) as an extremity, and measurement of medical implant exposure. The Commission also elaborates on mitigation procedures to ensure compliance with its limits, including labeling and other requirements for occupational exposure classification, clarification of compliance responsibility at multiple transmitter sites, and labeling of fixed consumer transmitters.

Timetable:

Action	Date	FR Cite
NPRM	09/08/03	68 FR 52879
NPRM Comment Period End.	12/08/03	
R&O	06/04/13	78 FR 33634
Petition for Recon	08/27/13	78 FR 52893
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ira Keltz, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0616, *Fax:* 202 418–1944, *Email: ikeltz@fcc.gov.*

RIN: 3060–AI17

448. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (this unused TV spectrum is often termed ''white spaces''). This action will make a

significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid, and if necessary, correct any interference that may occur. The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public Internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of ''opportunistic use'' of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission's actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band, but eventually in other frequency bands as well. This Order addressed five petitions for reconsideration of the Commission's decisions in the Second Memorandum Opinion and Order (''Second MO&O'') in this proceeding and modified rules in certain respects. In particular, the Commission: (1) Increased the maximum height above average terrain (HAAT) for sites where fixed devices may operate; (2) modified the adjacent channel emission limits to specify fixed rather than relative levels; and (3) slightly increased the maximum permissible power spectral density (PSD) for each category of TV bands device. These changes will result in decreased operating costs for fixed TVBDs and allow them to provide greater coverage, thus increasing the availability of wireless broadband services in rural and underserved areas without increasing the risk of interference to incumbent services. The Commission also revised and amended several of its rules to better effectuate the Commission's earlier decisions in this docket and to remove ambiguities.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O	12/06/10	75 FR 75814
Petitions for Reconsideration.	02/09/11	76 FR 7208
3rd MO&O and Order.	05/17/12	77 FR 28236
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email: hugh.vantuyl@fcc.gov.*

RIN: 3060–AI52

449. Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)

Legal Authority: 47 U.S.C. 154(i) and 301; 47 U.S.C. 303(c) and 303(f); 47 U.S.C. 303(r) and 303(y); 47 U.S.C. 310

Abstract: The Notice of Proposed Rulemaking proposed to take a number of actions to further the provision of terrestrial broadband services in the MSS bands. In the 2 GHz MSS band, the Commission proposed to add co-primary Fixed and Mobile allocations to the existing Mobile-Satellite allocation. This would lay the groundwork for providing additional flexibility in use of the 2 GHz spectrum in the future. The Commission also proposed to apply the terrestrial secondary market spectrum leasing rules and procedures to transactions involving terrestrial use of the MSS spectrum in the 2 GHz, Big LEO, and L-bands in order to create greater certainty and regulatory parity with bands licensed for terrestrial broadband service. The Commission also asked, in a notice of inquiry, about approaches for creating opportunities for full use of the 2 GHz band for standalone terrestrial uses. The Commission requested comment on ways to promote innovation and investment throughout the MSS bands while also ensuring market-wide mobile satellite capability to serve important needs like disaster recovery and rural access.

In the Report and Order, the Commission amended its rules to make additional spectrum available for new investment in mobile broadband networks while also ensuring that the United States maintains robust mobile satellite service capabilities. First, the Commission adds co-primary Fixed and Mobile allocations to the Mobile Satellite Service (MSS) 2 GHz band, consistent with the International Table of Allocations, allowing more flexible use of the band, including for terrestrial broadband services, in the future. Second, to create greater predictability and regulatory parity with the bands licensed for terrestrial mobile broadband service, the Commission extends its existing secondary market spectrum manager spectrum leasing policies, procedures, and rules that currently apply to wireless terrestrial services to terrestrial services provided using the Ancillary Terrestrial Component (ATC) of an MSS system. Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding concerning Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz, and published pursuant to 47 CFR 1.429(e). See 1.4(b)(1) of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49871
NPRM Comment Period End.	09/15/10	
Reply Comment Period End.	09/30/10	
R&O	05/31/11	76 FR 31252
Petitions for Reconsideration.	08/10/11	76 FR 49364
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov.*

RIN: 3060–AJ46

450. Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules (ET Docket No. 10–236)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301 and 303

Abstract: The Commission initiated this proceeding to promote innovation and efficiency in spectrum use in the Experimental Radio Service (ERS). For many years, the ERS has provided fertile ground for testing innovative ideas that have led to new services and new devices for all sectors of the economy. The Commission proposed to leverage

the power of experimental radio licensing to accelerate the rate at which these ideas transform from prototypes to consumer devices and services. Its goal is to inspire researchers to dream, discover, and deliver the innovations that push the boundaries of the broadband ecosystem. The resulting advancements in devices and services available to the American public and greater spectrum efficiency over the long term will promote economic growth, global competitiveness, and a better way of life for all Americans.

In the Report and Order (R&O), the Commission revised and streamlined its rules to modernize the Experimental Radio Service (ERS). The rules adopted in the R&O updated the ERS to a more flexible framework to keep pace with the speed of modern technological change while continuing to provide an environment where creativity can thrive. To accomplish this transition, the Commission created three new types of ERS licenses—the program license, the medical testing license, and the compliance testing license—to benefit the development of new technologies, expedite their introduction to the marketplace, and unleash the full power of innovators to keep the United States at the forefront of the communications industry. The Commission's actions also modified the market trial rules to eliminate confusion and more clearly articulate its policies with respect to marketing products prior to equipment certification. The Commission believes that these actions will remove regulatory barriers to experimentation, thereby permitting institutions to move from concept to experimentation to finished product more rapidly and to more quickly implement creative problem-solving methodologies.

The Memorandum Opinion and Order responds to three petitions for reconsideration seeking to modify certain rules adopted in the Report and Order in this proceeding. In response, the Commission modifies its rules, consistent with past practice, to permit conventional Experimental Radio Service (ERS) licensees and compliance testing licensees to use bands exclusively allocated to the passive services in some circumstances; clarifies that some cost recovery is permitted for the testing and operation of experimental medical devices that take place under its market trial rules; and adds a definition of emergency notification providers to its rules to clarify that all participants in the Emergency Alert System (EAS) are such providers. However, the Commission declines to expand the eligibility for medical testing licenses.

In the Further Notice of Proposed Rulemaking the Commission proposes to modify the rules for program experimental licenses to permit experimentation for radio frequency (RF)-based medical devices, if the device being tested is designed to comply with all applicable service rules in part 18, Industrial, Scientific, and Medical Equipment; part 95, Personal Radio Services subpart H Wireless Medical Telemetry Service; or part 95, subpart I Medical Device Radiocommunication Service. This proposal is designed to establish parity between all qualified medical device manufacturers for conducting basic research and clinical trials with RF-based medical devices as to permissible frequencies of operation.

This Memorandum Opinion and Order responds to three petitions for reconsideration seeking to modify certain rules adopted in the Report and Order in this proceeding. In response, the Commission modifies its rules, consistent with past practice, to permit conventional Experimental Radio Service (ERS) licensees and compliance testing licensees to use bands exclusively allocated to the passive services in some circumstances; clarifies that some cost recovery is permitted for the testing and operation of experimental medical devices that take place under its market trial rules; and adds a definition of emergency notification providers: To its rules to clarify that all participants in the Emergency Alert System (EAS) are such providers. However, the Commission declines to expand the eligibility for medical testing licenses.

Timetable:

Action	Date	FR Cite
NPRM	02/08/11	76 FR 6928
NPRM Comment Period End.	03/10/11	
R&O	04/29/13	78 FR 25138
FNPRM	08/31/15	80 FR 52437
MO&O	08/31/15	80 FR 52408
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ62

451. Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 11–90)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303(f)

Abstract: The Commission proposed to amend its rules to enable enhanced vehicular radar technologies in the 76–77 GHz band to improve collision avoidance and driver safety. Vehicular radars can determine the exact distance and relative speed of objects in front of, beside, or behind a car to improve the driver's ability to perceive objects under bad visibility conditions or objects that are in blind spots. These modifications to the rules will provide more efficient use of spectrum, and enable the automotive and fixed radar application industries to develop enhanced safety measures for drivers and the general public. The Commission takes this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era''). The Report and Order amends the Commission's rules to provide a more efficient use of the 76–77 GHz band, and to enable the automotive and aviation industries to develop enhanced safety measures for drivers and the general public. Specifically, the Commission eliminated the in-motion and not-in-motion distinction for vehicular radars, and instead adopted new uniform emission limits for forward, side, and rear-looking vehicular radars. This will facilitate enhanced vehicular radar technologies to improve collision avoidance and driver safety. The Commission also amended its rules to allow the operation of fixed radars at airport locations in the 76–77 GHz band for purposes of detecting foreign object debris on runways and monitoring aircraft and service vehicles on taxiways and other airport vehicle service areas that have no public vehicle access. The Commission took this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era''). Petitions for Reconsideration were filed by Navtech Radar, Ltd. and Honeywell International Inc.

Navtech Radar, Ltd. and Honeywell International, Inc., filed petitions for reconsideration in response to the *Vehicular Radar R&O* that modified the Commission's Part 15 rules to permit vehicular radar technologies and airport-based fixed radar applications in the 76–77 GHz band.

The Commission denied Honeywell's petition. Section 1.429(b) of the Commission's rules provides three ways in which a petition for reconsideration

can be granted, and none of these have been met. Honeywell has not shown that its petition relies on facts regarding fixed radar use which had not previously been presented to the Commission, nor does it show that its petition relies on facts that relate to events that changed since Honeywell had the last opportunity to present its facts regarding fixed radar use.

The Commission stated in the Vehicular Radar R&O, ''that no parties have come forward to support fixed radar applications beyond airport locations in this band,'' and it decided not to adopt provisions for unlicensed fixed radar use other than those for FOD detection applications at airport locations. Because Navtech first participated in the proceeding when it filed its petition well after the decision was published, its petition fails to meet the timeliness standard of section 1.429(d).

In connection with the Commission's decision to deny the petitions for reconsideration discussed above, the Commission terminates ET Docket Nos. 10–28 and 11–90 (pertaining to vehicular radar).

Timetable:

Action	Date	FR Cite
NPRM	06/16/11	76 FR 35176
R&O	08/13/12	77 FR 48097
Petition for Reconconsideration.	11/11/12	77 FR 68722
Reconsideration Order.	03/06/15	80 FR 12120
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Aamer Zain, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2437, *Email: aamer.zain@fcc.gov.*

RIN: 3060–AJ68

452. WRC–07 Implementation (ET Docket No. 12–338)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303

Abstract: In the Notice of Proposed Rulemaking (NPRM), the Commission proposed to amend parts 1, 2, 74, 78, 87, 90, and 97 of its rules to implement allocation decisions from the World Radiocommunication Conference (Geneva, 2007) (WRC 07) concerning portions of the radio frequency (RF) spectrum between 108 MHz and 20.2 GHz and to make certain updates to its rules in this frequency range. The NPRM follows the Commission's July 2010 WRC–07 Table Clean-up Order, 75 FR 62924, October 13, 2010, which made certain nonsubstantive, editorial revisions to the Table of Frequency Allocations (Allocation Table) and to other related rules. The Commission also addressed the recommendations for implementation of the WRC–07 Final Acts that the National Telecommunications and Information Administration (NTIA) submitted to the Commission in August 2009. As part of its comprehensive review of the Allocation Table, the Commission also proposed to make allocation changes that are not related to the WRC–07 Final Acts and update certain service rules, and requested comment on other allocation issues that concern portions of the RF spectrum between 137.5 kHz and 54.25 GHz.

In the Report and Order the Commission implemented allocation changes from the World Radiocommunication Conference (Geneva, 2007) (WRC–07) and updated related service rules. The Commission took this action in order to conform its rules, to the extent practical, to the decisions that the international community made at WRC–07. This action will promote the advancement of new and expanded services and provide significant benefits to the American people. In addition, the Commission revised the International Table of Frequency Allocations within its rules to generally reflect the allocation changes made at the World Radiocommunication Conference (Geneva, 2012) (WRC–12).

Timetable:

Action	Date	FR Cite
NPRM	12/27/12	77 FR 76250
NPRM Comment Period End.	02/25/13	
Report and Order	04/23/15	80 FR 38811
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Mooring, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2450, *Fax:* 202 418–1944, *Email: tom.mooring@fcc.gov.*

RIN: 3060–AJ93

453. Federal Earth Stations—Non Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 336

Abstract: The Notice of Proposed Rulemaking proposes to make spectrum allocation proposals for three different space related purposes. The Commission makes two alternative proposals to modify the Allocation Table to provide interference protection for Fixed-Satellite Service (FSS) and Mobile-Satellite Service (MSS) earth stations operated by Federal agencies under authorizations granted by the National Telecommunications and Information Administration (NTIA) in certain frequency bands. The Commission also proposes to amend a footnote to the Allocation Table to permit a Federal MSS system to operate in the 399.9–400.05 MHz band; it also makes alternative proposals to modify the Allocation Table to provide access to spectrum on an interference protected basis to Commission licensees for use during the launch of launch vehicles (*i.e.* rockets). The Commission also seeks comment broadly on the future spectrum needs of the commercial space sector. The Commission expects that, if adopted, these proposals would advance the commercial space industry and the important role it will play in our Nation's economy and technological innovation now and in the future.

Timetable:

Action	Date	FR Cite
NPRM	07/01/13	78 FR 39200
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov.*

RIN: 3060–AK09

454. Authorization of Radiofrequency Equipment; ET Docket No. 13–44

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Commission is responsible for an equipment authorization program for radiofrequency (RF) devices under part

2 of its rules. This program is one of the primary means that the Commission uses to ensure that the multitude of RF devices used in the United States operate effectively without causing harmful interference and otherwise comply with the Commission rules. All RF devices subject to equipment authorization must comply with the Commission's technical requirement before they can be imported or marketed. The Commission or a Telecommunication Certification Body (TCB) must approve some of these devices before they can be imported or marketed, while others do not require such approval. The Commission last comprehensively reviewed its equipment authorization program more than 10 years ago. The rapid innovation in equipment design since that time has led to ever-accelerating growth in the number of parties applying for equipment approval. The Commission therefore believes that the time is now right for us to comprehensively review our equipment authorization processes to ensure that they continue to enable this growth and innovation in the wireless equipment market. In May of 2012, the Commission began this reform process by issuing an Order to increase the supply of available grantee codes. With this Notice of Proposed Rulemaking (NPRM), the Commission continues its work to review and reform the equipment authorization processes and rules. This Notice of Proposed Rulemaking proposes certain changes to the Commission's part 2 equipment authorization processes to ensure that they continue to operate efficiently and effectively. In particular, it addresses the role of TCBs in certifying RF equipment and post-market surveillance, as well as the Commission's role in assessing TCB performance. The NPRM also addressed the role of test laboratories in the RF equipment approval process, including accreditation of test labs and the Commission's recognition of laboratory accreditation bodies, and measurement procedures used to determine RF equipment compliance. Finally, it proposes certain modifications to the rules regarding TCBs that approve terminal equipment under part 68 of the rules that are consistent with our proposed modifications to the rules for TCBs that approve RF equipment. Specifically, the Commission proposes to recognize the National Institute for Standards and Technology (NIST) as the organization that designates TCBs in the United States and to modify the rules to reference the current International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) guides used to accredit TCBs.

This Report and Order updates the Commission's radiofrequency (RF) equipment authorization program to build on the success realized by its use of Commission-recognized Telecommunications Certification Bodies (TCBs). The rules the Commission is adopting will facilitate the continued rapid introduction of new and innovative products to the market while ensuring that these products do not cause harmful interference to each other or to other communications devices and services.

Timetable:

Action	Date	FR Cite
NPRM	05/03/13	78 FR 25916
R&O	06/12/15	80 FR 33425
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email: hugh.vantuyl@fcc.gov.*

RIN: 3060–AK10

455. Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 15–26)

Legal Authority: 47 U.S.C. 1; 47 U.S.C. 4(i); 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 332; 47 U.S.C. 337

Abstract: The Notice of Proposed Rulemaking proposes to authorize radar applications in the 76–81 GHz band. The Commission seeks to develop a flexible and streamlined regulatory framework that will encourage efficient, innovative uses of the spectrum and to allow various services to operate on an interference-protected basis. In doing so, it further seeks to adopt service rules that will allow for the deployment of the various radar applications in this band, both within and outside the U.S. The Commission takes this action in response to a petition for rulemaking filed by Robert Bosch, LLC (Bosch) and two petitions for reconsideration of the 2012 Vehicular Radar R&O.

Timetable:

Action	Date	FR Cite
NPRM	03/06/15	80 FR 12120
NPRM Comment Period End.	04/06/15	
NPRM Reply Comment Period End.	04/20/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Aamer Zain, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2437, *Email: aamer.zain@fcc.gov.*

RIN: 3060–AK29

456. Spectrum Access for Wireless Microphone Operations (GN Docket Nos. 14–166 and 12–268)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Notice of Proposed Rule Making initiates a proceeding to address how to accommodate the long-term needs of wireless microphone users. Wireless microphones play an important role in enabling broadcasters and other video programming networks to serve consumers, including as they cover breaking news and broadcast live sports events. They enhance event productions in a variety of settings including theaters and music venues, film studios, conventions, corporate events, houses of worship, and internet webcasts. They also help create high quality content that consumers demand and value. Recent actions by the Commission, and in particular the repurposing of broadcast television band spectrum for wireless services set forth in the Incentive Auction R&O, will significantly alter the regulatory environment in which wireless microphones operate, which necessitates our addressing how to accommodate wireless microphone users in the future.

Timetable:

Action	Date	FR Cite
NPRM	11/21/14	79 FR 69387
NPRM Comment Period End.	01/05/15	
NPRM Reply Comment Period End.	01/26/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK30

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Completed Actions

457. Innovation in the Broadcast Television Bands (ET Docket No. 10–235)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(r)

Abstract: The Commission initiated this proceeding to further its ongoing commitment to address America's growing demand for wireless broadband services, spur innovation and investment in mobile technology, and ensure that America keeps pace with the global wireless revolution by making a significant amount of new spectrum available for broadband. The approach proposed is consistent with the goal set forth in the National Broadband Plan (the Plan) to repropose up to 120 megahertz from the broadcast television bands for new wireless broadband uses through, in part, voluntary contributions of spectrum to an incentive auction. Reallocation of this spectrum as proposed will provide the necessary flexibility for meeting the requirements of these new applications.

In the Report and Order, the Commission took preliminary steps toward making a significant portion of the UHF and VHF frequency bands (U/V Bands) currently used by the broadcast television service available for new uses. This action serves to further address the Nation's growing demand for wireless broadband services, promote the ongoing innovation and investment in mobile communications, and ensure that the United States keeps pace with the global wireless revolution. At the same time, the approach helps preserve broadcast television as a healthy, viable medium and would be consistent with the general proposal set forth in the National Broadband Plan to repurpose spectrum from the U/V bands for new wireless broadband uses through, in part, voluntary contributions of spectrum to an incentive auction. This action is consistent with the recent enactment by Congress of new incentive auction authority for the Commission (Spectrum Act). Specifically, this item sets out a framework by which two or more television licensees may share a single six MHz channel in connection with an incentive auction. However, the Report and Order did not act on the proposals in the Notice of Proposed Rulemaking to establish fixed and mobile allocations in the U/V bands or to improve TV service on VHF channels. The Report and Order stated that the Commission will undertake a broader rulemaking to implement the Spectrum Act's provisions relating to an incentive auction for U/V band spectrum, and that it believes it will be more efficient to act on new allocations in the context of that rulemaking. In addition, the record created in response to the Notice of Proposed Rulemaking does not establish a clear way forward to increase the utility of the VHF bands significantly for the operation of television services. The Report and Order states that the Commission will revisit this matter in a future proceeding.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5521
NPRM Comment Period End.	03/18/11	
R&O	05/23/12	77 FR 30423

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Stillwell, Deputy Chief, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2925, *Email: alan.stillwell@fcc.gov.*

RIN: 3060–AJ57

458. Tank Level Probing Radars (ET Docket No. 10–23)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: The Notice of Proposed Rulemaking proposed to expand the scope of this proceeding to propose a set of technical rules for the operation of unlicensed level probing radars (LPR) in several frequency bands. LPR devices are low-power radars that measure the level (relative height) of various substances in man-made or natural containments. In open-air environments, LPR devices may be used to measure levels of materials, such as coal piles or water basin levels. An LPR device also may be installed inside an enclosure, *e.g.,* a tank made of materials such as steel or fiberglass, and commonly referred to as a tank level probing radar (TLPR) that could be filled with liquids or granulates. During the pendency of the rulemaking proceeding (but outside this proceeding), the Commission received waiver requests and other inquiries regarding outdoor use on additional frequencies under existing rules for unlicensed devices. To address the apparent need for a comprehensive and consistent approach to LPR devices, the Commission proposed in this FNPRM rule that would apply to the operation of LPR devices installed in both open-air environments and inside storage tanks in the following frequency bands: 5.925–7.250 GHz, 24.05–29.00 GHz, and 75–85 GHz.

The Report and Order in this proceeding modifies part 15 of the Commission's rules for level probing radars (LPRs) operating on an unlicensed basis in the 5.9257.250 GHz, 24.0529.00 GHz, and 7585 GHz bands to revise our measurement procedures to provide more accurate and repeatable measurement protocols for these devices. LPR devices are lowpower radars that measure the level (relative height) of various substances in manmade or natural containments. In open air environments, LPR devices may be used to measure levels of substances such as water basin levels or coal piles. An LPR device that is installed inside an enclosure, which could be filled with liquids or granulates, is commonly referred to as a tank level probing radar (TLPR). LPR (including TLPR) devices can provide accurate and reliable target resolution to identify water levels in rivers and dams or critical levels of materials such as fuel or sewertreated waste, reducing overflow and spillage and minimizing exposure of maintenance personnel in the case of high risk substances. The new rules will benefit the public and industry by improving the accuracy and reliability of these measuring tools, and providing needed flexibility and cost savings for LPR device manufacturers which should, in turn, make them more available to users, without causing harmful interference to authorized services.

Timetable:

Action	Date	FR Cite
NPRM	04/30/12	77 FR 25386
R&O	03/06/14	79 FR 12667

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anh Wride, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0577, *Fax:* 202 418–1944, *Email: anh.wride@fcc.gov.*

RIN: 3060–AJ83

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Long-Term Actions

459. Space Station Licensing Reform (IB Docket No. 02–34)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 303(c); 47 U.S.C. 303(g)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) to streamline its procedures for reviewing satellite license applications. Before 2003, the Commission used processing rounds to review those applications. In a processing round, when an application is filed, the International Bureau (Bureau) issued a Public Notice establishing a cutoff date for other mutually exclusive satellite applications, and then considered all those applications together. In cases where sufficient spectrum to accommodate all the applications was not available, the Bureau directed the applicants to negotiate a mutually agreeable solution. Those negotiations took a long time, and delayed provision of satellite services to the public. The NPRM invited comment on two alternatives for expediting the satellite application process. One alternative was to replace the processing round procedure with a ''first-come, first-served'' procedure that would allow the Bureau to issue a satellite license to the first party filing a complete, acceptable application. The other alternative was to streamline the processing round procedure by adopting one or more of the following proposals: (1) Place a time limit on negotiations; (2) establish criteria to select among competing applicants; (3) divide the available spectrum evenly among the applicants. In the First Report and Order in this proceeding, the Commission determined that different procedures were better suited for different kinds of satellite applications. For most geostationary orbit (GSO) satellite applications, the Commission adopted a first-come, first-served approach. For most non-geostationary orbit (NGSO) satellite applications, the Commission adopted a procedure in which the available spectrum is divided evenly among the qualified applicants. The Commission also adopted measures to discourage applicants from filing speculative applications, including a bond requirement, payable if a licensee misses a milestone. The bond amounts originally were $5 million for each GSO satellite, and $7.5 million for each NGSO satellite system. These were interim amounts. Concurrently with the First Report and Order, the Commission adopted an FNPRM to determine whether to revise the bond amounts on a long-term basis. In the Second Report and Order, the Commission adopted a streamlined procedure for certain kinds of satellite license modification requests. In the Third Report and Order, the Commission adopted a standardized application form for satellite licenses, and adopted a mandatory electronic filing requirement for certain satellite applications. In the Fourth Report and Order, the Commission revised the bond amounts based on the record developed in response to FNPRM. The bond amounts are now $3 million for each GSO satellite, and $5 million for each NGSO satellite system.

Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12498
NPRM Comment Period End.	07/02/02	
Second R&O (Release Date).	06/20/03	68 FR 62247
Second FNPRM (Release Date).	07/08/03	68 FR 53702
Third R&O (Release Date).	07/08/03	68 FR 63994
FNPRM	08/27/03	68 FR 51546
First R&O	08/27/03	68 FR 51499
FNPRM Comment Period End.	10/27/03	
Fourth R&O (Release Date).	04/16/04	69 FR 67790
Fifth R&O, First Order on Reconsideration.	08/20/04	69 FR 51586
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0803, *Email: clay.decell@fcc.gov.*

RIN: 3060–AH98

460. International Settlements Policy Reform (IB Docket No. 11–80)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154; 47 U.S.C. 201 to 205; 47 U.S.C. 208; 47 U.S.C. 211; 47 U.S.C. 214; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 403

Abstract: FCC is reviewing the International Settlements Policy (ISP). It governs how U.S. carriers negotiate with foreign carriers for the exchange of international traffic, and is the structure by which the Commission has sought to respond to concerns that foreign carriers with market power are able to take advantage of the presence of multiple U.S. carriers serving a particular market. In the NPRM, the FCC proposes to further deregulate the international telephony market and enable U.S. consumers to enjoy competitive prices when they make calls to international destinations. First, it proposes to remove the ISP from all international routes, except Cuba. Second, the FCC seeks comment on a proposal to enable the Commission to better protect U.S. consumers from the effects of anticompetitive conduct by foreign carriers in instances necessitating Commission intervention. Specifically, it seeks comments on proposals and issues regarding the application of the Commission's benchmarks policy.

Timetable:

Action	Date	FR Cite
NPRM	05/13/11	76 FR 42625
NPRM Comment Period End.	09/02/11	
Report and Order	02/15/13	78 FR 11109
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Ball, Chief, Policy Division, International Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0427, *Email: james.ball@fcc.gov.*

RIN: 3060–AJ77

461. Reform of Rules and Policies on Foreign Carrier Entry Into the U.S. Telecommunications Market (IB Docket 12–299)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i) to (j); 47 U.S.C. 201 to 205

Abstract: FCC is considering proposed changes in the criteria under which it considers certain applications from foreign carriers or affiliates of foreign carriers for entry into the U.S. market for international telecommunications services. It proposes to eliminate or in the alternative simplify the effective competitive opportunities test (ECO Test) adopted in 1995 for Commission review of foreign carrier applications.

Timetable:

Action	Date	FR Cite
NPRM	11/26/12	77 FR 70400
NPRM Comment Period End.	12/26/12	
NPRM Reply Comment Period End.	01/15/13	
R&O	06/03/14	79 FR 31873
Final Rule (Announcement of Effective Date).	03/03/15	80 FR 11326

Action	Date	FR Cite
Final Rule Effective.	03/03/15	
Correction	08/03/15	80 FR 45898
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Griboff, Deputy Chief, Policy Division, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0657, *Fax:* 202 418–2824, *Email: howard.griboff@fcc.gov.*

RIN: 3060–AJ97

462. Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 161; 47 U.S.C. 303(c); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) as part of its ongoing efforts to update and streamline regulatory requirements. The NPRM initiated a comprehensive review of part 25 of the Commission's rules, which governs the licensing and operation of space stations and earth stations. The Commission proposed amendments to modernize the rules to better reflect evolving technology, to eliminate unnecessary technical and information filing requirements, and to reorganize and simplify existing requirements. In the ensuing Report and Order, the Commission adopted most of its proposed changes and revised over 150 rule provisions. Several proposals raised by commenters in the proceeding, however, were not within the scope of the original NPRM. To address these and other issues, the Commission released a Further Notice of Proposed Rulemaking (FNPRM). The FNPRM proposes additional rule changes to facilitate international coordination of proposed satellite networks, to revise system implementation milestones and the associated bond, and to expand the applicability of routine licensing standards.

Timetable:

Action	Date	FR Cite
NPRM	11/08/12	77 FR 67172
NPRM Comment Period End.	12/24/12	
Reply Comment Period End.	01/22/13	
Report and Order	02/12/14	79 FR 8308
FNPRM Comment Period End.	03/02/14	
FNPRM	10/21/14	79 FR 65106
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0803, *Email: clay.decell@fcc.gov.*

RIN: 3060–AJ98

463. Expanding Broadband and Innovation Through Air–Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0–14.5 GHz Band; Gn Docket No. 13–114

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 324

Abstract: In this docket, the Commission establishes a secondary allocation for the Aeronautical Mobile Service in the 14.0–14.5 GHz band and establishes service, technical, and licensing rules for air-ground mobile broadband. The Notice of Proposed Rulemaking requests public comment on a secondary allocation and service, technical, and licensing rules for air-ground mobile broadband.

Timetable:

Action	Date	FR Cite
NPRM (Release Date).	05/09/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean O'More, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2453, *Email: sean.omore@fcc.gov.*

RIN: 3060–AK02

464. Terrestrial Use of the 2473–2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules of Mobile Satellite Service System; IB Docket No. 13–213

Legal Authority: Not Yet Determined

Abstract: In this docket, the Commission proposes modified rules for the operation of the Ancillary Terrestrial Component of the single Mobile-Satellite Service system operating in the Big GEO S band. The changes would allow Globalstar, Inc. to deploy a low power broadband network using its licensed spectrum at 2483.5–2495 MHz under certain limited technical criteria, and with the same equipment utilize spectrum in the adjacent 2473–2483.5 MHz band, pursuant to technical rules for unlicensed operations in that band.

Timetable:

Action	Date	FR Cite
NPRM	02/19/14	79 FR 9445
NPRM Comment Period End.	05/05/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephen Duall, Chief, Satellite Policy Branch, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1103, *Fax:* 202 418–0748, *Email: stephen.duall@fcc.gov.*

RIN: 3060–AK16

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Completed Actions

465. Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 161; 47 U.S.C. 201 to 205; . . .

Abstract: The FCC is reviewing the reporting requirements to which entities providing U.S.-international service are subject under 47 CFR part 43. The FCC adopted a First Report and Order that eliminated certain of those requirements. Specifically, it eliminated the quarterly reporting requirements for large carriers and foreign-affiliated switch resale carriers, 47 CFR 43.61(b) and (c); the circuit addition report, 47 CFR 63.23(e); the division of telegraph tolls report, 47 CFR 43.53; and the requirement to report separately for U.S. offshore points, 43.61(a), 48.82(a). The FCC adopted the Second Report and Order that made additional reforms to streamline further and modernize the reporting requirements, including requiring that entities providing international calling service via Voice over Internet Protocol (VoIP) connected to the public switched telephone network (PSTN) to submit data regarding their provision of international telephone service. The Voice on the Net Coalition (VON Coalition) filed a petition requesting that they reconsider requiring VoIP

providers from reporting their international traffic and revenues. The Commission issued an Order dismissing the VON Coalition petition.

Timetable:

Action	Date	FR Cite
NPRM	04/12/04	69 FR 29676
First R&O	05/12/11	76 FR 42567
FNPRM	05/12/11	76 FR 42613
FNPRM Comment Period End.	09/02/11	
Second R&O	01/15/13	78 FR 15615
Petition for Reconsideration.	07/01/13	78 FR 39232
Order	09/01/15	80 FR 53641

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephen Duall, Chief, Satellite Policy Branch, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1103, *Fax:* 202 418–0748, *Email: stephen.duall@fcc.gov.*

RIN: 3060–AI42

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Long-Term Actions

466. Broadcast Ownership Rules

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310

Abstract: Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its ownership rules every four years and determine whether any such rules are necessary in the public interest as the result of competition. In 2002, the Commission undertook a comprehensive review of its broadcast multiple and cross-ownership limits examining: Cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule. The Report and Order replaced the newspaper/broadcast cross-ownership and radio and TV rules with a tiered approach based on the number of television stations in a market. In June 2006, the Commission adopted a Further Notice of Proposed Rulemaking initiating the 2006 review of the broadcast ownership rules. The further notice also sought comment on how to address the issues raised by the Third Circuit. Additional questions are raised for comment in a Second Further Notice of Proposed Rulemaking. In the Report and Order and Order on Reconsideration, the Commission adopted rule changes regarding newspaper/broadcast cross-ownership, but otherwise generally retained the other broadcast ownership rules currently in effect. For the 2010 quadrennial review, five of the Commission's media rules are the subject of review: The local TV ownership rule; the local radio ownership rule; the newspaper broadcast cross-ownership rule; the radio/TV cross-ownership rule; and the dual network rule.

In the 2014 review, the Commission incorporated the record of the 2010 review, and sought additional data on market conditions and competitive indicators. The Commission also sought comment on whether to eliminate restrictions on newspaper/radio combined ownership and whether to eliminate the radio/television cross-ownership rule in favor of reliance on the local radio rule and the local television rule.

Timetable:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Reconsideration.	02/21/08	73 FR 9481
Notice of Inquiry	06/11/10	75 FR 33227
NPRM	01/19/12	77 FR 2868
NPRM Comment Period End.	03/19/12	
FNPRM	05/20/14	79 FR 29010
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary DeNigro, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7334, *Email: hillary.denigro@fcc.gov.*

RIN: 3060–AH97

467. Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185)

Legal Authority: 47 U.S.C. 309; 47 U.S.C. 336

Abstract: This proceeding initiates the digital television conversion for low-power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting. The Report and Order adopts definitions and permissible use provisions for digital TV translator and LPTV stations. The Second Report and Order takes steps to resolve the remaining issues in order to complete the low-power television digital transition. The third Notice of Proposed Rulemaking seeks comment on a number of issues related to the potential impact of the incentive auction and the repacking process.

Timetable:

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55566
NPRM Comment Period End.	11/25/03	
R&O	11/29/04	69 FR 69325
FNPRM and MO&O.	10/18/10	75 FR 63766
2nd R&O	07/07/11	76 FR 44821
3rd NPRM	11/28/14	79 FR 70824
NPRM Comment Period End.	12/29/14	
NPRM Comment Period End.	12/29/14	
NPRM Reply Comment Period End.	01/12/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaun Maher, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2324, *Fax:* 202 418–2827, *Email: shaun.maher@fcc.gov.*

RIN: 3060–AI38

468. Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i) and (j); 47 U.S.C. 257; 47 U.S.C. 303(r); 47 U.S.C. 307 to 310; 47 U.S.C. 336; 47 U.S.C. 534 and 535

Abstract: Diversity and competition are longstanding and important Commission goals. The measures proposed, as well as those adopted in this proceeding, are intended to promote diversity of ownership of media outlets. In the Report and Order and Third FNPRM, measures are enacted to increase participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses. In the Report and Order and Fourth FNPRM, the Commission adopts improvements to its data collection in order to obtain an accurate and comprehensive assessment of minority and female broadcast ownership in the United States. The Memorandum Opinion & Order addressed petitions for

reconsideration of the rules, and also sought comment on a proposal to expand the reporting requirements to non attributable interests. In 2014, the Commission proposed a new type of FCC registration number for individuals to use on broadcast ownership reports. In 2015, the Commission proposed additional improvements to the collection of data reported on form 323.

Pursuant to a remand from the Third Circuit, the measures adopted in the 2009 Diversity Order were put forth for comment in the NPRM for the 2010 review of the Commission's Broadcast Ownership rules. The Commission sought additional comment in 2014. As directed by the court, the Commission considered a socially and economic disadvantaged business definition as a possible oasis for favorable regulatory treatment.

Timetable:

Action	Date	FR Cite
R&O	05/16/08	73 FR 28361
Third FNPRM	05/16/08	73 FR 28400
R&O	05/27/09	74 FR 25163
Fourth FNPRM	05/27/09	74 FR 25305
MO&O	10/30/09	74 FR 56131
NPRM	01/19/12	77 FR 2868
5th NPRM	01/15/13	78 FR 2934
6th FNPRM	01/15/13	78 FR 2925
FNPRM	05/20/14	79 FR 29010
7th FNPRM	02/26/15	80 FR 10442
Comment Period End.	03/30/15	
Reply Comment Period End.	04/30/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary DeNigro, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7334, *Email: hillary.denigro@fcc.gov.*

RIN: 3060–AJ27

469. Amendment of the Commission's Rules Related to Retransmission Consent (MB Docket No. 10–71)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 325; 47 U.S.C. 534

Abstract: Cable systems and other multichannel video programming distributors are not entitled to retransmit a broadcast station's signal without the station's consent. This consent is known as ''retransmission consent.'' Since Congress enacted the retransmission consent regime in 1992, there have been significant changes in the video programming marketplace. In this proceeding, comment is sought on a series of proposals to streamline and clarify the Commission's rules concerning or affecting retransmission consent negotiations.

In the 2014 Report and Order, the Commission adopted a rule providing that it is a violation of the duty to negotiate retransmission consent in good faith for a television station that is ranked among the top four stations to negotiate retransmission consent jointly with another such station if the stations are not commonly owned and serve the same geographic market.

Timetable:

Action	Date	FR Cite
NPRM	03/28/11	76 FR 17071
NPRM Comment Period End.	05/27/11	
R&O	05/19/14	79 FR 28615
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: diana.sokolow@fcc.gov.*

RIN: 3060–AJ55

470. Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 303; 47 U.S.C. 330(b); 47 U.S.C. 613; 47 U.S.C. 617

Abstract: Pursuant to the Commission's responsibilities under the Twenty-First Century Communications and Video Accessibility Act of 2010, this proceeding was initiated to adopt rules to govern the closed captioning requirements for the owners, providers, and distributors of video programming delivered using Internet protocol.

Timetable:

Action	Date	FR Cite
NPRM	09/28/11	76 FR 59963
R&O	03/20/12	77 FR 19480
Order on Recon, FNPRM.	07/02/13	78 FR 39691
2nd Order on Recon.	08/05/14	79 FR 45354
2nd FNPRM	08/05/14	79 FR 45397
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: diana.sokolow@fcc.gov.*

RIN: 3060–AJ67

471. Accessibility of User Interfaces and Video Programming Guides and Menus (MB Docket No. 12–108)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 303(aa); 47 U.S.C. 303(bb)

Abstract: This proceeding was initiated to implement sections 204 and 205 of the Twenty-First Century Communications and Video Accessibility Act. These sections generally require that user interfaces on digital apparatus and navigation devices used to view video programming be accessible to and usable by individuals who are blind or visually impaired.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36478
NPRM Comment Period End.	07/15/13	
R&O	12/20/13	78 FR 77210
FNPRM	12/20/13	78 FR 77074
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: diana.sokolow@fcc.gov.*

RIN: 3060–AK11

472. Network Non-Duplication and Syndicated Exclusivity Rule (MB Docket No. 14–29)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 303(R); 47 U.S.C. 307; 47 U.S.C. 339(b); 47 U.S.C.573(b)

Abstract: In this proceeding, the Commission continues to examine whether to eliminate or modify the network no-duplication and syndicated exclusivity rules in light of changes in the video marketplace in the more than 40 years since these rules were adopted.

Timetable:

Action	Date	FR Cite
NPRM	04/10/14	79 FR 19849
NPRM Comment Period End.	05/12/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Berthot, Attorney, Policy Division Media Bureau, Federal Communications Commission,

445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: kathy.berthot@fcc.gov.*

RIN: 3060–AK18

473. Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees; MB Docket No. 14–127

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i)

Abstract: In this proceeding, the Commission proposes to expand to cable operators, satellite TV providers, broadcast radio licensees, and satellite radio licensees the requirement that public inspection files be posted to the FCC's online database. In 2012, the Commission adopted online public file rules for broadcast television stations that required them to post public file documents to a central, FCC-hosted online database rather than maintain the files locally at their main studios. Expanding the online file to other media entities will extend the benefits of improved public access to public inspection files and ultimately reduce the burden of maintaining these files.

Timetable:

Action	Date	FR Cite
NPRM	02/13/15	80 FR 8031
NPRM Comment Period End.	03/16/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Matthews, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2154, *Fax:* 202 418–2053, *Email: kim.matthews@fcc.gov.*

RIN: 3060–AK23

474. • Channel Sharing by Full Power and Class A Stations Outside of the Incentive Auction Context; (MB Docket No. 15–137)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 338; 47 U.S.C. 403; 47 U.S.C. 614; 47 U.S.C. 615

Abstract: In this proceeding, the Commission considers rules to enable full power and Class A television stations to share a channel with another licensee outside of the incentive auction context.

Timetable:

Action	Date	FR Cite
NPRM	07/14/15	80 FR 40957
NPRM Comment Period End.	08/13/15	
NPRM Reply Comment Period End.	08/28/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Matthews, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2154, *Fax:* 202 418–2053, *Email: kim.matthews@fcc.gov.*

RIN: 3060–AK42

475. • Preserving Vacant Channels in the UHF Television Band for Unlicensed Use; (MB Docket No. 15–68)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 403

Abstract: In this proceeding, the Commission considers proposals to preserve vacant television channels in the UHF television band for shared use by white space devices and wireless microphones following the repacking of the band after the conclusion of the Incentive Auction. In the NPRM, the Commission proposed preserving in each area of the country at least one vacant television channel . In the Public Notice, the Commission notes that a limited number of broadcast television stations may be reassigned during the incentive auction and repacking process to channels within the duplex gap established as part of the 600 MHz Band Plan, resulting in a restriction on the ability of white space devices and wireless microphone to use this spectrum. To address this concern, the Public Notice tentatively concluded that a second available television channel should be preserved in the remaining television band in such areas for shared use by white space devices and wireless microphones, in addition to the one such channel proposed in the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	07/02/15	80 FR 38158
NPRM Comment Period End.	08/03/15	
NPRM Reply Comment Period End.	08/31/15	
Public Notice	09/01/15	80 FR 52715
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaun Maher, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2324, *Fax:* 202 418–2827, *Email: shaun.maher@fcc.gov.*

RIN: 3060–AK43

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Managing Director

Long-Term Actions

476. Assessment and Collection of Regulatory Fees

Legal Authority: 47 U.S.C. 159

Abstract: Section 9 of the Communications Act of 1934, as amended, 47 United States Code 159, requires the FCC to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	04/06/06	71 FR 17410
R&O	08/02/06	71 FR 43842
NPRM	05/02/07	72 FR 24213
R&O	08/16/07	72 FR 45908
FNPRM	08/16/07	72 FR 46010
NPRM	05/28/08	73 FR 30563
R&O	08/26/08	73 FR 50201
FNPRM	08/26/08	73 FR 50285
2nd R&O	05/12/09	74 FR 22104
NPRM and Order	06/02/09	74 FR 26329
R&O	08/11/09	74 FR 40089
NPRM	04/26/10	75 FR 21536
R&O	07/19/10	75 FR 41932
NPRM	05/26/11	76 FR 30605
R&O	08/10/11	76 FR 49333
NPRM	05/17/12	77 FR 29275
R&O	08/03/12	77 FR 46307
NPRM	08/17/12	77 FR 49749
NPRM	06/10/13	78 FR 34612
R&O	08/23/13	78 FR 52433
NPRM	07/03/14	79 FR 37982
R&O	09/11/14	79 FR 54190
NPRM	06/30/15	80 FR 37206
R&O	07/21/15	80 FR 43019
Final Rule	09/17/15	80 FR 55775
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554,

Phone: 202 418–0444, *Email: roland.helvajian@fcc.gov.*

RIN: 3060–AI79

477. Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of Cores Registration System; MD Docket No. 10–234

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 158(c)(2); 47 U.S.C. 159(c)(2); 47 U.S.C. 303(r); 5 U.S.C. 5514; 31 U.S.C. 7701(c)(1)

Abstract: This Notice of Proposed Rulemaking proposes revisions intended to make the Commission's Registration System (CORES) more feature-friendly and improve the Commission's ability to comply with various statutes that govern debt collection and the collection of personal information by the Federal Government. The proposed modifications to CORES partly include requiring entities and individuals to rely primarily upon a single FRN that may, at their discretion, be linked to subsidiary or associated accounts; allowing entities to identify multiple points of contact; eliminating some of our exceptions to the requirement that entities and individuals provide their Taxpayer Identification Number (TIN) at the time of registration; requiring FRN holders to provide their email addresses; modifying CORES log-in procedures; adding attention flags and automated notices that would inform FRN holders of their financial standing before the Commission; and adding data fields to enable FRN holders to indicate their tax-exempt status and notify the Commission of pending bankruptcy proceedings.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5652
NPRM Comment Period End.	03/03/11	
Public Notice	02/15/11	
NPRM	02/26/15	80 FR 10442
NPRM Comment Period End.	03/30/15	
FNPRM (Release Date).	02/27/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Warren Firschein, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0844, *Email: warren.firschein@fcc.gov.*

RIN: 3060–AJ54

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Long-Term Actions

478. Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems

Legal Authority: 47 U.S.C. 134(i); 47 U.S.C. 151; 47 U.S.C. 201; 47 U.S.C. 208; 47 U.S.C. 215; 47 U.S.C. 303; 47 U.S.C. 309

Abstract: In a series of orders in several related proceedings issued since 1996, the Federal Communications Commission has taken action to improve the quality and reliability of 911 emergency services for wireless phone users. Rules have been adopted governing the availability of basic 911 services and the implementation of enhanced 911 (E911) for wireless services.

Timetable:

Action	Date	FR Cite
FNPRM	08/02/96	61 FR 40374
R&O	08/02/96	61 FR 40348
MO&O	01/16/98	63 FR 2631
Second R&O	06/28/99	64 FR 34564
Third R&O	11/04/99	64 FR 60126
Second MO&O	12/29/99	64 FR 72951
Fourth MO&O	10/02/00	65 FR 58657
FNPRM	06/13/01	66 FR 31878
Order	11/02/01	66 FR 55618
R&O	05/23/02	67 FR 36112
Public Notice	07/17/02	67 FR 46909
Order to Stay	07/26/02	
Order on Reconsideration.	01/22/03	68 FR 2914
FNPRM	01/23/03	68 FR 3214
R&O, Second FNPRM.	02/11/04	69 FR 6578
Second R&O	09/07/04	69 FR 54037
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
Comment Period End.	10/18/08	
Public Notice	11/18/09	74 FR 59539
Comment Period End.	12/04/09	
FNPRM, NOI	11/02/10	75 FR 67321
Second R&O	11/18/10	75 FR 70604
Order, Comment Period Extension.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
Final Rule	04/28/11	76 FR 23713
NPRM	08/04/11	76 FR 47114
Second FNPRM	08/04/11	76 FR 47114
3rd R&O	09/28/11	76 FR 59916
NPRM Comment Period End.	11/02/11	
3rd FNPRM	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Public Notice (release date).	11/20/14	
Public Notice Comment Period End.	12/17/14	
4th R&O	03/04/15	80 FR 11806
Final Rule	08/03/15	80 FR 45897
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy & Licensing Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AG34

479. Enhanced 911 Services for Wireline and Multi-Line Telephone Systems; PS Docket Nos. 10–255 and 07–117

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 222; 47 U.S.C. 251

Abstract: The policies set forth in the Report and Order will assist State governments in drafting legislation that will ensure that multi-line telephone systems are compatible with the enhanced 911 network. The Public Notice seeks comment on whether the Commission, rather than States, should regulate multiline telephone systems, and whether part 68 of the Commission's rules should be revised.

Timetable:

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
Second FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578
Public Notice	01/13/05	70 FR 2405
Comment Period End.	03/29/05	
NOI	01/13/11	76 FR 2297
NOI Comment Period End.	03/14/11	
Public Notice (Release Date).	05/21/12	
Public Notice Comment Period End.	08/06/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy & Licensing Division, Federal Communications Commission, Public Safety and Homeland Security Bureau,

445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AG60

480. In The Matter of the Communications Assistance for Law Enforcement Act

Legal Authority: 47 U.S.C. 229; 47 U.S.C. 1001 to 1008

Abstract: All of the decisions in this proceeding thus far are aimed at implementation of provisions of the Communications Assistance for Law Enforcement Act.

Timetable:

Action	Date	FR Cite
NPRM	10/10/97	62 FR 63302
Order	01/13/98	63 FR 1943
FNPRM	11/16/98	63 FR 63639
R&O	01/29/99	64 FR 51462
Order	03/29/99	64 FR 14834
Second R&O	09/23/99	64 FR 51462
Third R&O	09/24/99	64 FR 51710
Order on Reconsideration.	09/28/99	64 FR 52244
Policy Statement	10/12/99	64 FR 55164
Second Order on Reconsideration.	05/04/01	66 FR 22446
Order	10/05/01	66 FR 50841
Order on Remand	05/02/02	67 FR 21999
NPRM	09/23/04	69 FR 56976
First R&O	10/13/05	70 FR 59704
Second R&O	07/05/06	71 FR 38091
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy & Licensing Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AG74

481. Implementation of 911 Act (CC Docket No. 92–105, WT Docket No. 00–110)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 202; 47 U.S.C. 208; 47 U.S.C. 210; 47 U.S.C. 214; 47 U.S.C. 251(e); 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 308 to 309(j); 47 U.S.C. 310

Abstract: This proceeding was separate from the Commission's proceeding on Enhanced 911 Emergency Systems (E911) in that it intended to implement provisions of the Wireless Communications and Public Safety Act of 1999 through the promotion of public safety by the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. More specifically, the chief goal of the proceeding is to ensure that all emergency calls are routed to the appropriate local emergency authority to provide assistance. The E911 proceeding goes a step further and was aimed at improving the effectiveness and reliability of wireless 911 dispatchers with additional information on wireless 911 calls.

Timetable:

Action	Date	FR Cite
Fourth R&O, Third NPRM.	09/19/00	65 FR 56752
NPRM	09/19/00	65 FR 56757
Fifth R&O, First R&O, and MO&O.	01/14/02	67 FR 1643
Final Rule	01/25/02	67 FR 3621
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy & Licensing Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AH90

482. Commission Rules Concerning Disruptions to Communications (PS Docket No. 11–82)

Legal Authority: 47 U.S.C.155; 47 U.S.C. 154; 47 U.S.C. 201; 47 U.S.C. 251

Abstract: The 2004 Report and Order extended the Commission's outage reporting requirements to non-wireline carriers and streamlined reporting through a new electronic template. A Further Notice of Proposed Rulemaking regarding the unique communications needs of airports also remains pending. The 2012 Report and Order extended the Commission's outage reporting requirements to interconnected Voice over Internet Protocol services where there is a complete loss of connectivity that has the potential to affect at least 900,000 user minutes. Interconnected VoIP services providers must now file outage reports through the same electronic mechanism as providers of other services. The Commission indicated that the technical issues involved in identifying and reporting significant outages of broadband Internet services require further study.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
FNPRM	11/26/04	69 FR 68859
R&O	12/03/04	69 FR 70316
Announcement of Effective Date and Partial Stay.	12/30/04	69 FR 78338
Petition for Reconsideration.	02/15/05	70 FR 7737
Amendment of Delegated Authority.	02/21/08	73 FR 9462
Public Notice	08/02/10	
NPRM	06/09/11	76 FR 33686
NPRM Comment Period End.	08/08/11	
R&O	04/27/12	77 FR 25088
Final Rule; Correction.	01/30/13	78 FR 6216
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Mackoul, Attorney Advisor, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7498, *Email: scott.mackoul@fcc.gov.*

RIN: 3060–AI22

483. E911 Requirements for IP–Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 251(e); 47 U.S.C. 303(r)

Abstract: The notice seeks comment on what additional steps the Commission should take to ensure that providers of Voice over Internet Protocol services that interconnect with the public switched telephone network to provide ubiquitous and reliable enhanced 911 service.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM	06/29/05	70 FR 37307
R&O	06/29/05	70 FR 37273
NPRM Comment Period End.	09/12/05	
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
FNPRM, NOI	11/02/10	75 FR 67321
Order, Extension of Comment Period.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
2nd FNPRM, NPRM.	08/04/11	76 FR 47114
2nd FNPRM Comment Period End.	11/02/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy & Licensing Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AI62

484. Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

Abstract: This is related to the proceedings in which the FCC has previously acted to improve the quality of all emergency services. Wireless carriers must provide specific automatic location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs). Wireless licensees must satisfy Enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/07	72 FR 33948
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
FNPRM; NOI	11/02/10	75 FR 67321
Public Notice	11/18/09	74 FR 59539
2nd R&O	11/18/10	75 FR 70604
Second NPRM	08/04/11	76 FR 47114
Second NPRM Comment Period End.	11/02/11	
Final Rule	04/28/11	76 FR 23713
NPRM, 3rd R&O, and 2nd FNPRM.	09/28/11	76 FR 59916
3rd FNPRM	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Public Notice (Release Date).	11/20/14	
Public Notice Comment Period End.	12/17/14	
4th R&O	03/04/15	80 FR 11806
Final Rule	08/03/15	80 FR 45897
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy & Licensing Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov.*

RIN: 3060–AJ52

485. 700 MHZ Public Safety Broadband—First Net (PS Docket Nos. 12–94 & 06–229 and WT 06–150)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 309; Pub. L. 112–96

Abstract: This action proposes technical rules to protect against harmful radio frequency interference in the spectrum designated for public safety services under the Middle Class Tax Relief and Job Creation Act of 2012.

Timetable:

Action	Date	FR Cite
NPRM	04/24/13	78 FR 24138
NPRM Comment Period End.	05/24/13	
R&O	01/06/14	79 FR 588
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roberto Mussenden, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1428, *Email: roberto.mussenden@fcc.gov.*

RIN: 3060–AJ99

486. Proposed Amendments to Service Rules Governing Public Safety Narrowband Operations in the 769–775 and 799–805 MHZ Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 337(a); 47 U.S.C. 403

Abstract: This proceeding seeks to amend the Commission's rules to promote spectrum efficiency, interoperability, and flexibility in 700 MHz public safety narrowband operations (769775/799805 MHz).

Timetable:

Action	Date	FR Cite
NPRM	04/19/13	78 FR 23529
Final Rule	12/20/14	79 FR 71321
Final Rule Effective.	01/02/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Marenco, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0838, *Email: brian.marenco@fcc.gov.*

RIN: 3060–AK19

487. • Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 34–39; 47 U.S.C. 301

Abstract: This proceeding takes steps toward assuring the reliability and resiliency of submarine cables, a critical piece of the Nation's communications infrastructure, by proposing to require submarine cable licensees to report to the Commission when outages occur and communications are disrupted. The Commission's intent is to enhance national security and emergency preparedness by these actions.

Timetable:

Action	Date	FR Cite
NPRM (Release Date).	09/17/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Saperstein, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7008, *Email: michael.saperstein@fcc.gov.*

RIN: 3060–AK39

488. • Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 15–80

Legal Authority: 47 CFR 0; 47 CFR 4; 47 CFR 63

Abstract: The 2004 Report and Order extended the Commission's communication disruptions reporting rules to non-wireline carriers and streamlined reporting through a new electronic template, see docket ET Docket 04–35. In 2015, this proceeding, PS Docket 15–80, was opened to amend the original communications disruption reporting rules from 2004 in order to reflect technology transitions observed throughout the telecommunications sector. The Commission seeks to further study the possibility to share the reporting database information and access with state and other federal entities.

Timetable:

Action	Date	FR Cite
NPRM	06/16/15	80 FR 34321
NPRM Comment Period End.	07/31/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Villanueva, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7005.

RIN: 3060–AK40

489. • New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 155; 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 307; 47 U.S.C. 316

Abstract: The proceeding creates a new part 4 in title 47, and amends part 63.100. The proceeding updates the Commission's communication disruptions reporting rules for wireline providers formerly found in 47 CFR 63.100, and extends these rules to other non-wireline providers. Through this proceeding, the Commission streamlines the reporting process through an electronic template. The Report and Order received several petitions for reconsideration, of which two were eventually withdrawn, and in 2015, seven are addressed in an Order on Reconsideration. Two petitions remain pending regarding NORS database sharing with states and communication disruptions at airports. The former is addressed in a separate proceeding, PS Docket 15–80. To the extent the communication disruption rules cover VoIP, the Commission studies and addresses these questions in a separate docket, PS Docket 11–82.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
R&O	11/26/04	69 FR 68859
Denial for Petition for Partial Stay.	12/02/04	
Seek Comment on Petition for Recon.	02/02/10	
Reply Period End	03/19/10	
Seek Comment on Broadband and Interconnected VOIP Service Providers.	07/02/10	
Reply Period End	08/16/12	
R&O and Order on Recon.	06/16/15	80 FR 34321
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Villanueva, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7005.

RIN: 3060–AK41

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

490. Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(n); 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 251(a); 47 U.S.C. 253; 47 U.S.C. 303(r); 47 U.S.C. 332(c)(1)(B); 47 U.S.C. 309

Abstract: This rulemaking considers whether the Commission should adopt an automatic roaming rule for voice services for Commercial Mobile Radio Services and whether the Commission should adopt a roaming rule for mobile data services.

Timetable:

Action	Date	FR Cite
NPRM	11/21/00	65 FR 69891
NPRM	09/28/05	70 FR 56612
NPRM	01/19/06	71 FR 3029
FNPRM	08/30/07	72 FR 50085
Final Rule	08/30/07	72 FR 50064
Final Rule	04/28/10	75 FR 22263
FNPRM	04/28/10	75 FR 22338
2nd R&O	05/06/11	76 FR 26199
Order on Recon	06/25/14	79 FR 43956
Declaratory Ruling (release date).	12/18/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Catherine Matraves, Deputy Division Chief, SCPD, Federal Communications Commission, Wireless Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1310, *Email: catherine.matraves@fcc.gov*.

RIN: 3060–AH83

491. Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: This proceeding is intended to streamline, consolidate, and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
NPRM Comment Period End.	03/14/02	
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
FNPRM Comment Period End.	07/12/04	
R&O	06/14/04	69 FR 32577
NPRM	12/06/06	71 FR 70710
NPRM Comment Period End.	03/06/07	
Final Rule	12/06/06	71 FR 70671
3rd R&O	03/29/11	76 FR 17347
Stay Order	03/29/11	76 FR 17353
3rd FNPRM	01/30/13	78 FR 6276
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0680, *Email: jeff.tobias@fcc.gov*.

RIN: 3060–AI35

492. Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211)

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 155; 47 U.S.C. 155(c); 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 303(r); 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 309(j); 47 U.S.C. 325(e); 47 U.S.C. 334; 47 U.S.C. 336; 47 U.S.C. 339; 47 U.S.C. 554

Abstract: This proceeding implements rules and procedures needed to comply with the Commercial Spectrum Enhancement Act (CSEA). It establishes a mechanism for reimbursing Federal agencies' out-of-spectrum auction proceeds for the cost of relocating their operations from certain ''eligible frequencies'' that have been reallocated from Federal to non-Federal use. It also seeks to improve the Commission's ability to achieve Congress' directives with regard to designated entities and to ensure that, in accordance with the intent of Congress, every recipient of its designated entity benefits is an entity that uses its licenses to directly provide facilities-based telecommunications services for the benefit of the public.

Timetable:

Action	Date	FR Cite
NPRM	06/14/05	70 FR 43372
NPRM Comment Period End.	08/26/05	
Declaratory Ruling	06/14/05	70 FR 43322
R&O	01/24/06	71 FR 6214
FNPRM	02/03/06	71 FR 6992

Action	Date	FR Cite
FNPRM Comment Period End.	02/24/06	
Second R&O	04/25/06	71 FR 26245
Order on Reconsideration of Second R&O.	06/02/06	71 FR 34272
NPRM	06/21/06	71 FR 35594
NPRM Comment Period End.	08/21/06	
Reply Comment Period End.	09/19/06	
Second Order and Reconsideration of Second R&O.	04/04/08	73 FR 18528
Order	02/01/12	77 FR 16470
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0660, *Email: kelly.quinn@fcc.gov.*

RIN: 3060–AI88

493. Facilitating the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150–2162 and 2500–2690 MHZ BANDS

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 301 to 303; 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 332; 47 U.S.C. 336 and 337

Abstract: The Commission seeks comment on whether to assign Educational Broadband Service (EBS) spectrum in the Gulf of Mexico. It also seeks comment on how to license unassigned and available EBS spectrum. Specifically, we seek comment on whether it would be in the public interest to develop a scheme for licensing unassigned EBS spectrum that avoids mutual exclusivity; we ask whether EBS eligible entities could participate fully in a spectrum auction; we seek comment on the use of small business size standards and bidding credits for EBS if we adopt a licensing scheme that could result in mutually exclusive applications; we seek comment on the proper market size and size of spectrum blocks for new EBS licenses; and we seek comment on issuing one license to a State agency designated by the Governor to be the spectrum manager, using frequency coordinators to avoid mutually exclusive EBS applications, as well as other alternative licensing schemes. The Commission must develop a new licensing scheme for EBS in order to achieve the Commission's goal of facilitating the development of new and innovative wireless services for the benefit of students throughout the Nation. In addition, the Commission has sought comment on a proposal intended to make it possible to use wider channel bandwidths for the provision of broadband services in these spectrum bands. The proposed changes may permit operators to use spectrum more efficiently, and to provide higher data rates to consumers, thereby advancing key goals of the National Broadband Plan.

Timetable:

Action	Date	FR Cite
NPRM	04/02/03	68 FR 34560
NPRM Comment Period End.	09/08/03	
FNPRM	07/29/04	69 FR 72048
FNPRM Comment Period End.	01/10/03	
R&O	07/29/04	69 FR 72020
MO&O	04/27/06	71 FR 35178
FNPRM	03/20/08	73 FR 26067
FNPRM Comment Period End.	07/07/08	
MO&O	03/20/08	73 FR 26032
MO&O	09/28/09	74 FR 49335
FNPRM	09/28/09	74 FR 49356
FNPRM Comment Period End.	10/13/09	
R&O	06/03/10	75 FR 33729
FNPRM	05/27/11	76 FR 32901
FNPRM Comment Period End.	07/22/11	
R&O	07/16/14	79 FR 41448
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ12

494. Service Rules for Advanced Wireless Services in the 2155–2175 MHZ Band; WT Docket No. 13–185

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301

Abstract: This proceeding explores the possible uses of the 2155–2175 MHz frequency band (AWS–3) to support the introduction of new advanced wireless services, including third generation and future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks. The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS–3 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly used to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services. We proposed to apply our flexible, market-oriented rules to the band to do so. Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed AWS–3 rules, which include adding 5 megahertz of spectrum (2175–80 MHz) to the AWS–3 band, and requiring licensees of that spectrum to provide—using up to 25 percent of its wireless network capacity—free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/14/07	72 FR 64013
NPRM Comment Period End.	01/14/08	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End.	08/11/08	
FNPRM	08/20/13	78 FR 51559
FNPRM Comment Period End.	10/16/13	
R&O	06/04/14	79 FR 32366
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov.*

RIN: 3060–AJ19

495. Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHZ Band (WT Docket No. 08–166) Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 301 and 302(a); 47 U.S.C. 303; 47 U.S.C. 303(r); 47 U.S.C. 304; 47 U.S.C. 307 to 309; 47 U.S.C. 316; 47 U.S.C. 332; 47 U.S.C. 336 and 337

Abstract: In 2010, the Commission: Prohibited the distribution and sale of wireless microphones that operate in

the 700 MHz Band (TV channels 52–69); ordered that the band be cleared of these devices; authorized unlicensed wireless microphone operations subject to conditions; and sought comment on issues including the operation of low power auxiliary stations including wireless microphones in the core TV bands (channels 52–36, 38–51), and on license eligibility.

On June 2, 2014, the Commission released a Second Report and Order to provide a limited expansion of the types of entities eligible for a low power auxiliary station license under part 74 of its rules to include qualifying professional sound companies, as well as owners and operators of large venues, as further explained in the order. The Commission also: (1) Denied requests to expand eligibility under part 74 to include nuclear power plants, but modified a previous waiver concerning the operation of unlicensed low power auxiliary devices both inside and outside the plants; (2) adopted provisions to condition any new LPAS licenses on the requirement to cease operating in repurposed UHF spectrum in connection with the Commission's Incentive Auction Report and Order in GN Docket No. 12–268 (FCC 14–50); and (3) provided newly eligible licensees with an initial and renewal license term not to exceed 10 years.

Timetable:

Action	Date	FR Cite
NPRM	09/03/08	73 FR 51406
NPRM Comment Period End.	10/20/08	
R&O	01/22/10	75 FR 3622
FNPRM	01/22/10	75 FR 3682
FNPRM Comment Period End.	03/22/10	
Public Notice	10/05/12	
Second R&O	07/14/14	79 FR 40680
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: G. William Stafford, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0563, *Email: bill.stafford@fcc.gov.*

RIN: 3060–AJ21

496. Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHZ Band, and To Consolidate the 800 MHZ and 900 MHZ Business and Industrial/Land Transportation Pool Channels

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 332

Abstract: This action adopts rules that retain the current site-based licensing paradigm for the 900 MHz B/ILT ''white space''; adopts interference protection rules applicable to all licensees operating in the 900 MHz B/ILT spectrum; and lifts, on a rolling basis, the freeze placed on applications for new 900 MHz B/ILT licenses in September 2004—the lift being tied to the completion of rebanding in each 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) region.

Timetable:

Action	Date	FR Cite
NPRM	03/18/05	70 FR 13143
NPRM Comment Period End.	06/12/05	70 FR 23080
Final Rule	12/16/08	73 FR 67794
Petition for Reconsideration.	03/12/09	74 FR 10739
Order on Reconsideration.	07/17/13	78 FR 42701
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joyce Jones, Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1327, *Email: joyce.jones@fcc.gov.*

RIN: 3060–AJ22

497. Amendment of Part 101 To Accommodate 30 MHz Channels in the 6525–6875 MHz Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHz Band (Wt Docket No. 04–114)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319; 47 U.S.C. 324; 47 U.S.C. 332 and 333

Abstract: The Commission seeks comments on modifying its rules to authorize channels with bandwidths of as much as 30 MHz in the 6525–6875 MHz band. We also propose to allow conditional authorization on additional channels in the 21.8–22.0 and 23.0–23.2 GHz bands.

Timetable:

Action	Date	FR Cite
NPRM	06/29/09	74 FR 36134
NPRM Comment Period End.	07/22/09	
R&O	06/11/10	75 FR 41767
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ28

498. In the Matter of Service Rules for the 698 to 746, 747 to 762, and 777 to 792 MHz Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309

Abstract: This is one of several docketed proceedings involved in the establishment of rules governing wireless licenses in the 698–806 MHz band (the 700 MHz band). This spectrum is being vacated by television broadcasters in TV channels 52–69. It is being made available for wireless services, including public safety and commercial services, as a result of the digital television (DTV) transition. This docket has to do with service rules for the commercial services, and is known as the 700 MHz Commercial Services proceeding.

Timetable:

Action	Date	FR Cite
NPRM	08/03/06	71 FR 48506
NPRM	09/20/06	
FNPRM	05/02/07	72 FR 24238
FNPRM Comment Period End.	05/23/07	
R&O	07/31/07	72 FR 48814
Order on Reconsideration.	09/24/07	72 FR 56015
Second FNPRM	05/14/08	73 FR 29582
Second FNPRM Comment Period End.	06/20/08	
Third FNPRM	09/05/08	73 FR 57750
Third FNPRM Comment Period End.	11/03/08	
Second R&O	02/20/09	74 FR 8868
Final Rule	03/04/09	74 FR 8868
Order on Reconsideration.	03/01/13	78 FR 19424
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul D'Ari, Spectrum and Competition Policy Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1550, *Email: paul.dari@fcc.gov.*

RIN: 3060–AJ35

499. National Environmental Act Compliance for Proposed Tower Registrations; in the Matter of Effects on Migratory Birds

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(q); 47 U.S.C. 303(r); 47 U.S.C. 309(g); 42 U.S.C. 4321 *et seq.*

Abstract: On April 14, 2009, American Bird Conservancy, Defenders of Wildlife, and National Audubon Society filed a Petition for Expedited Rulemaking and Other Relief. The petitioners request that the Commission adopt on an expedited basis a variety of new rules which they assert are necessary to comply with environmental statutes and their implementing regulations. This proceeding addresses the Petition for Expedited Rulemaking and Other Relief.

Timetable:

Action	Date	FR Cite
NPRM	11/22/06	71 FR 67510
NPRM Comment Period End.	02/20/07	
New NPRM Comment Period End.	05/23/07	
Order on Remand	01/26/12	77 FR 3935
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Steinberg, Deputy Chief, Spectrum and Competition Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–0896, *Email: jeffrey.steinberg@fcc.gov.*

RIN: 3060–AJ36

500. Amendment of Part 90 of the Commission's Rules

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303

Abstract: This proceeding considers rule changes impacting miscellaneous part 90 Private Land Mobile Radio rules.

Timetable:

Action	Date	FR Cite
NPRM	06/13/07	72 FR 32582
FNPRM	04/14/10	75 FR 19340
Order on Reconsideration.	05/27/10	75 FR 29677
5th R&O	05/16/13	78 FR 28749
Petition for Reconsideration.	07/23/13	78 FR 44091
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney P Conway, Engineer, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–2904, *Fax:* 202–418–1944, *Email: rodney.conway@fcc.gov.*

RIN: 3060–AJ37

501. Amendment of Part 101 of the Commission's Rules for Microwave use and Broadcast Auxiliary Service Flexibility

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 157; 47 U.S.C. 160 and 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319 and 324; 47 U.S.C. 332 and 333

Abstract: In this document, the Commission commences a proceeding to remove regulatory barriers to the use of spectrum for wireless backhaul and other point-to-point and point-to-multipoint communications.

Timetable:

Action	Date	FR Cite
NPRM	08/05/10	75 FR 52185
NPRM Comment Period End.	11/22/10	
R&O	09/27/11	76 FR 59559
FNPRM	09/27/11	76 FR 59614
FNPRM Comment Period End.	10/25/11	
R&O	09/05/12	77 FR 54421
FNPRM	09/05/12	77 FR 54511
FNPRM Comment Period End.	10/22/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ47

502. 2004 and 2006 Biennial Regulatory Reviews—Streamlining and Other Revisions of the Commission's Rules Governing Construction, Marking, and Lighting of Antenna Structures

Legal Authority: 47 U.S.C. 154(i)–(j) and 161; 47 U.S.C. 303(q)

Abstract: In this NPRM, in WT Docket No. 10–88, the Commission seeks comment on revisions to part 17 of the Commission's rules governing construction, marking, and lighting of antenna structures. The Commission initiated this proceeding to update and modernize the part 17 rules. These proposed revisions are intended to improve compliance with these rules and allow the Commission to enforce them more effectively, helping to better ensure the safety of pilots and aircraft passengers nationwide. The proposed revisions also would remove outdated and burdensome requirements without compromising the Commission's statutory responsibility to prevent antenna structures from being hazards or menaces to air navigation.

Timetable:

Action	Date	FR Cite
NPRM	05/21/10	75 FR 28517
NPRM Comment Period End.	07/20/10	
NPRM Reply Comment Period End.	08/19/10	
R&O	09/24/14	79 FR 56968
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul D'Ari, Spectrum and Competition Policy Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–1550, *Email: paul.dari@fcc.gov.*

RIN: 3060–AJ50

503. Universal Service Reform Mobility Fund (WT Docket No. 10–208)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 155; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 205; 47 U.S.C. 225; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 309; 47 U.S.C. 310

Abstract: This proceeding establishes the Mobility Fund which provides an initial infusion of funds toward solving persistent gaps in mobile services through targeted, one-time support for the build-out of current and next-generation wireless infrastructure in areas where these services are unavailable.

Timetable:

Action	Date	FR Cite
NPRM	10/14/10	75 FR 67060
NPRM Comment Period End.	01/18/11	
R&O	11/29/11	76 FR 73830
FNPRM	12/16/11	76 FR 78384
R&O	12/28/11	76 FR 81562
2nd R&O	07/03/12	77 FR 39435
4th Order on Recon.	08/14/12	77 FR 48453
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Mackoul, Attorney Advisor, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–7498, *Email: scott.mackoul@fcc.gov.*

RIN: 3060–AJ58

504. Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHZ and 1626.5–1660.5 MHZ, 1610–1626.5 MHZ and 2483.5–2500 MHZ, and 2000–2020 MHZ and 2180–2200 MHZ

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 303 and 310

Abstract: The Commission proposes steps making additional spectrum available for new investment in mobile broadband networks while ensuring that the United States maintains robust mobile satellite service capabilities. Mobile broadband is emerging as one of America's most dynamic innovation and economic platforms. Yet tremendous demand growth soon will test the limits of spectrum availability. Some 90 megahertz of spectrum allocated to the Mobile Satellite Service (MSS)—in the 2 GHz band, Big LEO band, and L-band—are potentially available for terrestrial mobile broadband use. The Commission seeks to remove regulatory barriers to terrestrial use, and to promote additional investments, such as those recently made possible by a transaction between Harbinger Capital Partners and SkyTerra Communications, while retaining sufficient market-wide MSS capability. The Commission proposes to add co-primary Fixed and Mobile allocations to the 2 GHz band, consistent with the International Table of Allocations. This allocation modification is a precondition for more flexible licensing of terrestrial services within the band. Second, the Commission proposes to apply the Commission's secondary market policies and rules applicable to terrestrial services to all transactions involving the use of MSS bands for terrestrial services to create greater predictability and regulatory parity with bands licensed for terrestrial mobile broadband service. The Commission also requests comment on further steps we can take to increase the value, utilization, innovation, and investment in MSS spectrum generally.

Timetable:

Action	Date	FR Cite
NPRM	07/15/10	75 FR 49871
NPRM Comment Period End.	09/30/10	
R&O	04/06/11	76 FR 31252
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blaise Scinto, Chief, Broadband Div., WTB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–1380, *Email: blaise.scinto@fcc.gov.*

RIN: 3060–AJ59

505. Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHZ Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308

Abstract: This proceeding was initiated to allow EA-based 800 MHz SMR licensees in 813.5–824/858.5–869 MHz to exceed the channel spacing and bandwidth limitation in section 90.209 of the Commission's rules, subject to conditions.

Timetable:

Action	Date	FR Cite
NPRM	03/29/12	77 FR 18991
NPRM Comment Period End.	04/13/12	
R&O	05/24/12	77 FR 33972
Petition for Recon	08/16/12	77 FR 53163
Public Notice.		
Petition for Recon PN Comment Period End.	09/27/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Chang, Attorney, Deputy Div. Chief, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–1339, *Fax:* 202–418–7447, *Email: linda.chang@fcc.gov.*

RIN: 3060–AJ71

506. Service Rules for Advanced Wireless Services in the 2000–2020 MHZ and 2180–2200 MHZ Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153; 47 U.S.C. 154(i); 47 U.S.C. 227; 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 324; 47 U.S.C. 332; 47 U.S.C. 333

Abstract: In the Report and Order, the Commission increased the Nation's supply of spectrum for mobile broadband by removing unnecessary barriers to flexible use of spectrum currently assigned to the Mobile Satellite Service (MSS) in the 2 GHz band. This action carries out a recommendation in the National Broadband Plan that the Commission enable the provision of standalone terrestrial services in this spectrum. We do so by adopting service, technical, assignment, and licensing rules for this spectrum. These rules are designed to provide for flexible use of this spectrum, encourage innovation and investment in mobile broadband, and provide a stable regulatory environment in which broadband deployment could develop.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End.	04/17/12	
NPRM	04/17/12	77 FR 22720
R&O	05/05/13	78 FR 8229
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov.*

RIN: 3060–AJ73

507. Promoting Interoperability in the 700 MHZ Commercial Spectrum; Requests for Waiver and Extension of Lower 700 MHZ Band Interim Construction Benchmark Deadlines (WT Docket Nos. 12–69 & 12–332)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303(b); 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 304; 47 U.S.C. 307(a); 47 U.S.C. 309(j)(3); 47 U.S.C. 316(a)(1); 47 CFR 1.401 *et seq.*

Abstract: In the Report and Order, the Commission took steps to implement an industry solution to provide interoperable Long Term Evolution (LTE) service in the lower 700 MHz band in an efficient and effective manner to improve choice and quality for consumers of mobile services.

Timetable:

Action	Date	FR Cite
NPRM	04/02/12	77 FR 19575
NPRM Comment Period End.	06/01/12	

Action	Date	FR Cite
R&O and Order of Proposed Modification.	11/05/13	78 FR 66298
Order on Modification (Release Date).	01/16/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Salhus, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2823, *Email: jsalhus@fcc.gov.*

RIN: 3060–AJ78

508. Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Docket No. 12–268

Legal Authority: 47 U.S.C. 309(j)(8)(G); 47 U.S.C. 1452

Abstract: In February 2012, the Middle Class Tax Relief and Job Creation Act was enacted (Public Law 112–96, 126 Stat. 156 (2012)). Title VI of that statute, commonly known as the Spectrum Act, provides the Commission with the authority to conduct incentive auctions to meet the growing demand for wireless broadband. Pursuant to the Spectrum Act, the Commission may conduct incentive auctions that will offer new initial spectrum licenses subject to flexible-use service rules on spectrum made available by licensees that voluntarily relinquish some or all of their spectrum usage rights in exchange for a portion, based on the value of the relinquished rights as determined by an auction, of the proceeds of bidding for the new licenses. In addition to granting the Commission general authority to conduct incentive auctions, the Spectrum Act requires the Commission to conduct an incentive auction of broadcast TV spectrum and sets forth special requirements for such an auction.

The incentive auction will consist of a reverse auction'' to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its spectrum usage rights and a forward auction'' that will allow mobile broadband providers to bid for licenses in the reallocated spectrum. Broadcast television licensees who elect voluntarily to participate in the auction have three basic options: voluntarily go off the air, share their spectrum, or move channels in exchange for receiving part of the proceeds from auctioning that spectrum to wireless providers.

In June 2014, the Commission adopted a Report and Order that laid out the broad rules for the incentive auction. Consistent with past practice, in December 2014, a public notice was issued asking for comment specific key components related to implementing the June 2014 Report and Order. The public notice asking for comment will be followed by a public notice with the specific procedures about how to participate in the incentive auction. The start of the Incentive Auction is planned for early 2016.

Timetable:

Action	Date	FR Cite
NPRM	11/21/12	77 FR 69933
NPRM Comment Period End.	03/02/13	
R&O	08/15/14	79 FR 48441
Notice	01/29/15	80 FR 4816
Notice Comment Period End.	03/13/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rachel Kazan, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–1500, *Email: rachel.kazan@fcc.gov.*

RIN: 3060–AJ82

509. Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHZ and 1995–2000 MHZ Bands (WT Docket No. 12¿357)

Legal Authority: 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310

Abstract: The Commission proposes rules for the Advanced Wireless Services (AWS) H Block that would make available 10 megahertz of flexible use. The proposal would extend the widely deployed Personal Communications Services (PCS) band, which is used by the four national providers as well as regional and rural providers to offer mobile service across the nation. The additional spectrum for mobile use will help ensure that the speed, capacity, and ubiquity of the Nation's wireless networks keeps pace with the skyrocketing demand for mobile services.

Today's action is a first step to implement the congressional directive in the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) to grant new initial licenses for the 1915–1920 MHz and 1995–2000 MHz bands (the Lower H Block and Upper H Block, respectively) through a system of competitive bidding,Â¿ unless doing so would cause harmful interference to commercial mobile service licenses in the 1930–1985 MHz (PCS downlink) band. The potential for harmful interference to the PCS downlink band relates only to the Lower H Block transmissions, and may be addressed by appropriate technical rules, including reduced power limits on H Block devices. We, therefore, propose to pair and license the Lower H Block and the Upper H Block for flexible use, including mobile broadband, aiming to assign the licenses through competitive bidding in 2013. In the event that we conclude that the Lower H Block cannot be used without causing harmful interference to PCS, we propose to license the Upper H Block for full power, and seek comment on appropriate use for the Lower H Block, including Unlicensed PCS.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1166
NPRM Comment Period End.	03/06/13	
R&O	08/16/13	78 FR 50213
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Deputy Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–7235, *Email: peter.daronco@fcc.gov.*

RIN: 3060–AJ86

510. Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4)

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

Abstract: This action adopts new technical, operational, and registration requirements for signal boosters. It creates two classes of signal boosters—consumer and industrial—with distinct regulatory requirements for each, thereby establishing a two-step transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/10/11	76 FR 26983
R&O	04/11/13	78 FR 21555
Petition for Reconsideration.	06/06/13	78 FR 34015
Order on Reconsideration.	11/08/14	79 FR 70790
FNPRM	11/28/14	79 FR 70837
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amanda Huetinck, Attorney Advisor, WTB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–7090, *Email: amanda.huetinck@fcc.gov.*

RIN: 3060–AJ87

511. Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 and 09–42)

Legal Authority: 48 Stat 1066, 1082 as amended; 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e); 47 U.S.C. 151 to 156; 47 U.S.C. 301

Abstract: This action amends part 87 rules to authorize new ground station technologies to promote safety and allow use of frequency 1090 MHz by aeronautical utility mobile stations for airport surface detection equipment (commonly referred to as ''squitters'') to help reduce collisions between aircraft and airport ground vehicles.

Timetable:

Action	Date	FR Cite
NPRM	04/28/10	75 FR 22352
R&O	03/01/13	78 FR 61023
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–2155, *Fax:* 202–418–7247, *Email: tim.maguire@fcc.gov.*

RIN: 3060–AJ88

512. Amendment of the Commission's Rules Concerning Commercial Radio Operators (WT Docket No. 10–177)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 332(a)2

Abstract: This action amends parts 0, 1, 13, 80, and 87 of the Commission's rules concerning commercial radio operator licenses for maritime and aviation radio stations in order to reduce administrative burdens on the telecom industry.

Timetable:

Action	Date	FR Cite
NPRM	10/29/10	75 FR 66709
R&O	05/29/13	78 FR 32165
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stanislava Kimball, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202–418–1306, *Email: stanislava.kimball@fcc.gov.*

RIN: 3060–AJ91

513. Radiolocation Operations in the 78–81 GHz Band; WT Docket No. 11–202

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: We amend our rules to permit the certification, licensing, and use of foreign object debris (FOD) detection radar equipment in the 78–81 GHz band. The presence of FOD on airport runways, taxiways, aprons, and ramps poses a significant threat to the safety of air travel. FOD detection radar equipment will be authorized on a licensed basis under part 90 of our rules. Authorization of other potential radiolocation uses of the 78–81 GHz band will be considered in other proceedings.

Timetable:

Action	Date	FR Cite
NPRM	01/11/12	77 FR 1661
R&O	07/26/13	78 FR 45072
NPRM	03/06/15	80 FR 12120
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov.*

RIN: 3060–AK04

514. Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology; WT Docket No. 11–6

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 161; 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 332(c)(7)

Abstract: We modify our rules to permit the certification and use of Terrestrial Trunked Radio (TETRA) equipment under part 90 of our rules. TETRA is a spectrally efficient digital technology with the potential to provide valuable benefits to land mobile radio users, such as higher security and lower latency than comparable technologies. It does not, however, conform to all of our current part 90 technical rules. In the Notice of Proposed Rule Making and Order (NPRM) in this proceeding, the Commission proposed to amend part 90 to accommodate TETRA technology. We conclude that modifying the part 90 rules to permit the certification and use of TETRA equipment in two bands–the 450–470 MHz portion of the UHF band (421–512 MHz) and Business/Industrial Land Transportation 800 MHz band channels (809–824/854–869 MHz) that are not in the National Public Safety Planning Advisory Committee (NPSPAC) portion of the band–will give private land mobile radio (PLMR) licensees additional equipment alternatives without increasing the potential for interference or other adverse effects on other licensees.

Timetable:

Action	Date	FR Cite
NPRM	05/11/11	76 FR 27296
R&O	10/10/12	77 FR 61535
Order on Reconsideration.	08/09/13	78 FR 48627
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov.*

RIN: 3060–AK05

515. Promoting Technological Solutions To Combat Wireless Contraband Device Use In Correctional Facilities

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303(a); 47 U.S.C. 303(b); 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 332

Abstract: In this proceeding, the Commission proposes rules to encourage development of multiple technological solutions to combat the use of contraband wireless devices in correctional facilities nationwide. The Commission proposes to streamline rules governing lease agreement modifications between wireless providers and managed access system operators. It also proposes to require wireless providers to terminate service to a contraband wireless device.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36469
NPRM Comment Period End.	08/08/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Conway, Attorney Advisor, Wireless Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2887, *Email: melissa.conway@fcc.gov*.

RIN: 3060–AK06

516. 800 MHZ Cellular Telecommunications Licensing Reform; Docket No. 12–40

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 301 to 303; 47 U.S.C. 308; 47 U.S.C. 309(j); 47 U.S.C. 332

Abstract: The proceeding was launched to revisit and update various rules governing licensing for the 800 MHz cellular radiotelephone service. Most notably, the current site-based model for issuing licenses is under review, mindful of the evolution of this commercial wireless mobile service since its inception more than 30 years ago and the licensing models used for newer wireless telecommunications services.

On November 10, 2014, the FCC released a Report and Order (R&O) and a companion Further Notice of Proposed Rulemaking (FNPRM) to revise rules governing the 800 MHz Cellular Service. In the R&O, the FCC eliminated various regulatory requirements and streamlined requirements remaining in place, while retaining Cellular Service licensees' ability to expand into an area that is not yet licensed. In the FNPRM, the FCC proposes and seeks comment on additional Cellular Service reforms of licensing rules and the radiated power rules, to promote flexibility and help foster the deployment of newer technologies such as LTE.

Timetable:

Action	Date	FR Cite
NPRM	03/16/12	77 FR 15665
NPRM Comment Period End.	05/15/12	
NPRM Reply Comment Period End.	06/14/12	
R&O	12/05/14	79 FR 72143
FNPRM	12/22/14	79FR 76268
Final Rule Effective (with 3 exceptions).	01/05/15	
FNPRM Comment Period End.	01/21/15	
FNPRM Reply Comment Period End.	02/20/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nina Shafran, Attorney Advisor, Wireless Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2781, *Email: nina.shafran@fcc.gov*.

RIN: 3060–AK13

517. Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies; WTt Docket Nos. 13–238, 13–32 and WC Docket No. 11–59

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 1403; 47 U.S.C. 1422; 42 U.S.C. 4332(c); . . .

Abstract: This rulemaking promotes deployment of wireless infrastructure by adopting and clarifying rules, in an effort to reduce regulatory obstacles and bring efficiency to wireless facilities and construction.

Timetable:

Action	Date	FR Cite
NPRM	12/05/13	78 FR 73144
NPRM Comment Period End.	02/03/14	
FNPRM Reply Comment Period End.	03/05/14	
Final Rule	01/08/15	80 FR 1238
Final Rule Effective.	02/09/15	
Final Rule Effective.	04/08/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Trachtenberg, Deputy Division Chief, SCPD, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7369, *Email: peter.trachtenberg@fcc.gov*.

RIN: 3060–AK22

518. Updating Competitive Bidding Rules

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j); 47 U.S.C. 316

Abstract: This proceeding was initiated to revise some of the Commission's general part 1 rules governing competitive bidding for spectrum licenses to reflect changes in the marketplace, including the challenges faced by new entrants, as well as to advance the statutory directive to ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services.

Timetable:

Action	Date	FR Cite
NPRM	11/14/14	79 FR 68172
NPRM Comment Period End.	03/06/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0660, *Email: kelly.quinn@fcc.gov*.

RIN: 3060–AK28

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Long-Term Actions

519. Implementation of the Universal Service Portions of the 1996 Telecommunications Act

Legal Authority: 47 U.S.C. 151 *et seq.*

Abstract: The Telecommunications Act of 1996 expanded the traditional goal of universal service to include increased access to both telecommunications and advanced services such as high-speed Internet for all consumers at just, reasonable and affordable rates. The Act established principles for universal service that specifically focused on increasing access to evolving services for consumers living in rural and insular areas, and for consumers with low-incomes. Additional principles called for increased access to high-speed Internet in the Nation's schools, libraries and rural health care facilities. The FCC established four programs within the Universal Service Fund to implement the statute. The four programs are: Connect America Fund (formally known as High-Cost Support) for rural areas; Lifeline (for low-income consumers), including initiatives to expand phone service for Native

Americans; Schools and Libraries (E-rate); and Rural Health Care.

The Universal Service Fund is paid for by contributions from telecommunications carriers, including wireline and wireless companies, and interconnected Voice over Internet Protocol (VoIP) providers, including cable companies that provide voice service, based on an assessment on their interstate and international end-user revenues. The Universal Service Administrative Company, or USAC, administers the four programs and collects monies for the Universal Service Fund under the direction of the FCC.

On October 16, 2014, the Commission released a Public Notice seeking comments on proposed methodology for Connect America Fund recipients to measure and report speed and latency performance to fixed locations.

On December 18, 2014, the Commission released a Report and Order finalizing decisions necessary to proceed to Phase II of the Connect America Fund.

On December 19, 2014, the Commission released a Second E-rate Modernization Order adjusting program rules and support levels in order to meet long-term program goals for high speed connectivity.

On January 30, 2015, the Commission released a Public Notice seeking comment on the Alliance of Rural Broadband applicants petition for limited waiver of certain RBE letter of credit requirements.

On February 4, 2015, the Commission released a Public Notice seeking comments on NTCA's emergency petition for limited waiver of RBE letter of credit bank eligibility requirements.

Timetable:

Action	Date	FR Cite
Recommended Decision Federal-State Joint Board, Universal Service.	11/08/96	61 FR 63778
First R&O	05/08/97	62 FR 32862
Second R&O	05/08/97	62 FR 32862
Order on Reconsideration.	07/10/97	62 FR 40742
R&O and Second Order on Reconsideration.	07/18/97	62 FR 41294
Second R&O, and FNPRM.	08/15/97	62 FR 47404
Third R&O	10/14/97	62 FR 56118
Second Order on Reconsideration.	11/26/97	62 FR 65036
Fourth Order on Reconsideration.	12/30/97	62 FR 2093
Fifth Order on Reconsideration.	06/22/98	63 FR 43088
Fifth R&O	10/28/98	63 FR 63993
Eighth Order on Reconsideration.	11/21/98	
Second Recommended Decision.	11/25/98	63 FR 67837
Thirteenth Order on Reconsideration.	06/09/99	64 FR 30917
FNPRM	06/14/99	64 FR 31780
FNPRM	09/30/99	64 FR 52738
Fourteenth Order on Reconsideration.	11/16/99	64 FR 62120
Fifteenth Order on Reconsideration.	11/30/99	64 FR 66778
Tenth R&O	12/01/99	64 FR 67372
Ninth R&O and Eighteenth Order on Reconsideration.	12/01/99	64 FR 67416
Nineteenth Order on Reconsideration.	12/30/99	64 FR 73427
Twentieth Order on Reconsideration.	05/08/00	65 FR 26513
Public Notice	07/18/00	65 FR 44507
Twelfth R&O, MO&O and FNPRM.	08/04/00	65 FR 47883
FNPRM and Order.	11/09/00	65 FR 67322
FNPRM	01/26/01	66 FR 7867
R&O and Order on Reconsideration.	03/14/01	66 FR 16144
NPRM	05/08/01	66 FR 28718
Order	05/22/01	66 FR 35107
Fourteenth R&O and FNPRM.	05/23/01	66 FR 30080
FNPRM and Order.	01/25/02	67 FR 7327
NPRM	02/15/02	67 FR 9232
NPRM and Order	02/15/02	67 FR 10846
FNPRM and R&O	02/26/02	67 FR 11254
NPRM	04/19/02	67 FR 34653
Order and Second FNPRM.	12/13/02	67 FR 79543
NPRM	02/25/03	68 FR 12020
Public Notice	02/26/03	68 FR 10724
Second R&O and FNPRM.	06/20/03	68 FR 36961
Twenty-Fifth Order on Reconsideration, R&O, Order, and FNPRM.	07/16/03	68 FR 41996
NPRM	07/17/03	68 FR 42333
Order	07/24/03	68 FR 47453
Order	08/06/03	68 FR 46500
Order and Order on Reconsideration.	08/19/03	68 FR 49707
Order on Remand, MO&O, FNPRM.	10/27/03	68 FR 69641
R&O, Order on Reconsideration, FNPRM.	11/17/03	68 FR 74492
R&O, FNPRM	02/26/04	69 FR 13794
R&O, FNPRM	04/29/04	
NPRM	05/14/04	69 FR 3130
NPRM	06/08/04	69 FR 40839
Order	06/28/04	69 FR 48232
Order on Reconsideration & Fourth R&O.	07/30/04	69 FR 55983
Fifth R&O and Order.	08/13/04	69 FR 55097
Order	08/26/04	69 FR 57289
Second FNPRM	09/16/04	69 FR 61334
Order & Order on Reconsideration.	01/10/05	70 FR 10057
Sixth R&O	03/14/05	70 FR 19321
R&O	03/17/05	70 FR 29960
MO&O	03/30/05	70 FR 21779
NPRM & FNPRM	06/14/05	70 FR 41658
Order	10/14/05	70 FR 65850
Order	10/27/05	
NPRM	01/11/06	71 FR 1721
Report Number 2747.	01/12/06	71 FR 2042
Order	02/08/06	71 FR 6485
FNPRM	03/15/06	71 FR 13393
R&O and NPRM	07/10/06	71 FR 38781
Order	01/01/06	71 FR 6485
Order	05/16/06	71 FR 30298
MO&O and FNPRM.	05/16/06	71 FR 29843
R&O	06/27/06	71 FR 38781
Public Notice	08/11/06	71 FR 50420
Order	09/29/06	71 FR 65517
Public Notice	03/12/07	72 FR 36706
Public Notice	03/13/07	72 FR 40816
Public Notice	03/16/07	72 FR 39421
Notice of Inquiry	04/16/07	
NPRM	05/14/07	72 FR 28936
Recommended Decision.	11/20/07	
Order	02/14/08	73 FR 8670
NPRM	03/04/08	73 FR 11580
NPRM	03/04/08	73 FR 11591
R&O	05/05/08	73 FR 11837
Public Notice	07/02/08	73 FR 37882
NPRM	08/19/08	73 FR 48352
Notice of Inquiry	10/14/08	73 FR 60689
Order on Remand, R&O, FNPRM.	11/12/08	73 FR 66821
R&O	05/22/09	74 FR 2395
Order & NPRM	03/24/10	75 FR 10199
R&O and MO&O	04/08/10	75 FR 17872
NOI and NPRM	05/13/10	75 FR 26906
Order and NPRM	05/28/10	75 FR 30024
NPRM	06/09/10	75 FR 32699
NPRM	08/09/10	75 FR 48236
NPRM	09/21/10	75 FR 56494
R&O	12/03/10	75 FR 75393
Order	01/27/11	76 FR 4827
NPRM	03/02/11	76 FR 11407
NPRM	03/02/11	76 FR 11632
NPRM	03/23/11	76 FR 16482
Order and NPRM	06/27/11	76 FR 37307
R&O	12/28/11	76 FR 81562
Order	03/09/12	77 FR 14297
R&O	03/30/12	77 FR 19125
Order	05/23/12	77 FR 30411
3rd Order on Reconsideration.	05/24/12	77 FR 30904
Public Notice	05/31/12	77 FR 32113
FNPRM	06/07/12	77 FR 33896
Public Notice	07/26/12	77 FR 43773
Order	08/30/12	77 FR 52616
Public Notice	02/28/12	77 FR 76345
Public Notice	08/29/12	77 FR 52279
Public Notice	12/12/12	77 FR 74010
5th Order on Reconsideration.	01/17/13	78 FR 3837

Action	Date	FR Cite
Public Notice	02/07/13	78 FR 9020
Public Notice	02/21/13	78 FR 12006
Public Notice	02/22/13	78 FR 12269
Public Notice	03/15/13	78 FR 16456
6th Order on Reconsideration and MO&O.	03/19/13	78 FR 16808
MO&O	05/08/13	78 FR 26705
R&O	05/06/13	78 FR 26269
R&O	06/03/13	78 FR 32991
Public Notice	06/13/13	78 FR 35632
R&O	06/26/13	78 FR 38227
Order on Reconsideration.	08/08/13	78 FR 48622
Order	03/01/13	78 FR 13935
Public Notice	12/19/13	78 FR 76789
Order	02/28/14	79 FR 11366
Public Notice	03/11/14	79 FR 13599
Public Notice	03/17/14	79 FR 17070
Public Notice	04/18/14	79 FR 21924
R&O	05/21/14	79 FR 29111
Order	05/23/14	79 FR 33705
FNPRM	07/09/14	79 FR 39163
R&O	07/31/14	79 FR 44352
R&O	08/19/14	79 FR 49160
Public Notice	11/20/14	79 FR 69091
R&O	01/27/15	80 FR 4446
2nd R&O	02/04/15	80 FR 5961
Public Notice	02/27/15	80 FR 10658
2nd FNPRM	06/22/15	80 FR 40923
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nakesha Woodward, Program Support Assistant, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1502, *Email: kesha.woodward@fcc.gov*.

RIN: 3060–AF85

520. 2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements

Legal Authority: 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 303(r); 47 U.S.C. 403

Abstract: The notice of proposed rulemaking (NPRM) proposed to eliminate our current service quality reports (Automated Reporting Management Information System (ARMIS) Report 43–05 and 43–06) and replace them with a more consumer-oriented report. The NPRM proposed to reduce the reporting categories from more than 30 to six, and addressed the needs of carriers, consumers, State public utility commissions, and other interested parties. On February 15, 2005, the Commission adopted an Order that extended the Federal-State Joint Conference on Accounting Issues until March 1, 2007. On September 6, 2008, the Commission adopted a Memorandum Opinion and Order granting conditional forbearance from the ARMIS 43–05 and 43–06 reporting requirements to all carriers that are required to file these reports.

Timetable:

Action	Date	FR Cite
NPRM	12/04/00	65 FR 75657
Order	02/06/02	67 FR 5670
Order	03/22/05	70 FR 14466
MO&O	10/15/08	73 FR 60997
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Zima, Deputy Chief, Industry Analysis Division, WCB, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7380, *Fax:* 202 418–6768, *Email: cathy.zima@fcc.gov*.

RIN: 3060–AH72

521. National Exchange Carrier Association Petition

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 201 and 202; . . .

Abstract: In a Notice of Proposed Rulemaking (NPRM) released on July 19, 2004, the Commission initiated a rulemaking proceeding to examine the proper number of end user common line charges (commonly referred to as subscriber line charges or SLCs) that carriers may assess upon customers that obtain derived channel T–1 service where the customer provides the terminating channelization equipment and upon customers that obtain Primary Rate Interface (PRI) Integrated Service Digital Network (ISDN) service.

Timetable:

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50141
NPRM Comment Period End.	11/12/04	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1572, *Email: douglas.slotten@fcc.gov*.

RIN: 3060–AI47

522. IP-Enabled Services; WC Docket No. 04–36

Legal Authority: 47 U.S.C. 151 and 152; . . .

Abstract: The notice seeks comment on ways in which the Commission might categorize or regulate IP-enabled services. It poses questions regarding the proper allocation of jurisdiction over each category of IP-enabled service. The notice then requests comment on whether the services comprising each category constitute ''telecommunications services'' or ''information services'' under the definitions set forth in the Act. Finally, noting the Commission's statutory forbearance authority and title I ancillary jurisdiction, the notice describes a number of central regulatory requirements (including, for example, those relating to access charges, universal service, E911, and disability accessibility), and asks which, if any, should apply to each category of IP-enabled services.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM Comment Period End.	07/14/04	
First R&O	06/03/05	70 FR 37273
Public Notice	06/16/05	70 FR 37403
First R&O Effective.	07/29/05	70 FR 43323
Public Notice	08/31/05	70 FR 51815
R&O	07/10/06	71 FR 38781
R&O and FNPRM	06/08/07	72 FR 31948
FNPRM Comment Period End.	07/09/07	72 FR 31782
R&O	08/06/07	72 FR 43546
Public Notice	08/07/07	72 FR 44136
R&O	08/16/07	72 FR 45908
Public Notice	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Public Notice	12/13/07	72 FR 70808
Public Notice	12/20/07	72 FR 72358
R&O	02/21/08	73 FR 9463
NPRM	02/21/08	73 FR 9507
Order	05/15/08	73 FR 28057
Order	07/29/09	74 FR 37624
R&O	08/07/09	74 FR 39551
Public Notice	10/14/09	74 FR 52808
Announcement of Effective Date.	03/19/10	75 FR 13235
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM, Order, & NOI.	06/19/13	78 FR 36679
R&O (release date).	06/22/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov*.

RIN: 3060–AI48

523. Jurisdictional Separations

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205;

47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

Abstract: Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and market changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of five years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission adopted an Order and Further Notice of Proposed Rulemaking, which extended the separations freeze for a period of three years and sought comment on comprehensive reform. In 2009, the Commission adopted a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2012. In 2012, the Commission adopted a Report and Order extending the separations freeze for an additional two years to June 2014. In 2014, the Commission adopted a Report and Order extending the separations freeze for an additional three years to June 2017.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
R&O	05/15/09	74 FR 23955
R&O	05/25/10	75 FR 30301
R&O	05/27/11	76 FR 30840
R&O	05/23/12	77 FR 30410
R&O	06/13/14	79 FR 36232
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Hunter, Attorney–Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1520, *Email: john.hunter@fcc.gov*.

RIN: 3060–AJ06

524. Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21)

Legal Authority: 47 U.S.C. 151 to 155; 47 U.S.C. 160 and 161; 47 U.S.C. 20 to 205; 47 U.S.C. 215; 47 U.S.C. 218 to 220; 47 U.S.C. 251 to 271; 47 U.S.C. 303(r) and 332; 47 U.S.C. 403; 47 U.S.C. 502 and 503

Abstract: This notice of proposed rulemaking (NPRM) tentatively proposes to collect infrastructure and operating data that is tailored in scope to be consistent with Commission objectives from all facilities-based providers of broadband and telecommunications. Similarly, the NPRM also tentatively proposes to collect data concerning service quality and customer satisfaction from all facilities-based providers of broadband and telecommunications. The NPRM seeks comment on the proposals, on the specific information to be collected, and on the mechanisms for collecting information. On June 27, 2013, the Commission adopted a Report and Order addressing collection of broadband deployment data from facilities-based providers.

Timetable:

Action	Date	FR Cite
NPRM	10/15/08	73 FR 60997
NPRM Comment Period End.	11/14/08	
Reply Comment Period End.	12/15/08	
NPRM	02/28/11	76 FR 12308
NPRM Comment Period End.	03/30/11	
Reply Comment Period End.	04/14/11	
R&O	08/13/13	78 FR 49126
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Zima, Deputy Chief, Industry Analysis Division, WCB, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7380, *Fax:* 202 418–6768, *Email: cathy.zima@fcc.gov*.

RIN: 3060–AJ14

525. Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans

Legal Authority: 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

Abstract: The Report and Order streamlined and reformed the Commission's Form 477 Data Program, which is the Commission's primary tool to collect data on broadband and telephone services.

Timetable:

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27519
Order	07/02/08	73 FR 37861
Order	10/15/08	73 FR 60997
NPRM	02/08/11	76 FR 10827
Order	06/27/13	78 FR 49126
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ms Chelsea Fallon, Assistant Division Chief, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7991, *Email: chelsea.fallon@fcc.gov*.

RIN: 3060–AJ15

526. Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: In 2007, the Commission released a Notice of Proposed Rulemaking in WC Docket No. 07–244. The Notice sought comment on whether the Commission should adopt rules specifying the length of the porting intervals or other details of the porting process. It also tentatively concluded that the Commission should adopt rules reducing the porting interval for wireline-to-wireline and intermodal simple port requests, specifically, to a 48-hour porting interval.

In the Local Number Portability Porting Interval and Validation Requirements First Report and Order and Further Notice of Proposed Rulemaking, released on May 13, 2009, the Commission reduced the porting interval for simple wireline and simple intermodal port requests, requiring all entities subject to its local number portability (LNP) rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day. In a related Further Notice of Proposed Rulemaking (FNPRM), the

Commission sought comment on what further steps, if any, the Commission should take to improve the process of changing providers.

In the LNP Standard Fields Order, released on May 20, 2010, the Commission adopted standardized data fields for simple wireline and intermodal ports. The Order also adopts the NANC's recommendations for porting process provisioning flows and for counting a business day in the context of number porting.

Timetable:

Action	Date	FR Cite
NPRM	02/21/08	73 FR 9507
R&O and FNPRM	07/02/09	74 FR 31630
R&O	06/22/10	75 FR 35305
Public Notice	12/21/11	76 FR 79607
Public Notice	06/06/13	78 FR 34015
R&O	05/26/15	80 FR 29978
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov*.

RIN: 3060–AJ32

527. Implementation of Section 224 of the Act; a National Broadband Plan For Our Future (WC Docket No. 07–245, GN Docket No. 09–51)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 224

Abstract: In 2010, the Commission released an Order and Further Notice of Proposed Rulemaking that implemented certain pole attachment recommendations of the National Broadband Plan and sought comment regarding others. On April 7, 2011, the Commission adopted a Report and Order and Order on Reconsideration that sets forth a comprehensive regulatory scheme for access to poles, and modifies existing rules for pole attachment rates and enforcement.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6879
FNPRM	07/15/10	75 FR 41338
Declaratory Ruling	08/03/10	75 FR 45494
R&O	05/09/11	76 FR 26620
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jonathan Reel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0637, *Email: jonathan.reel@fcc.gov*.

RIN: 3060–AJ64

528. Rural Call Completion; WC Docket No. 13–39

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 202(a); 47 U.S.C. 218; 47 U.S.C. 220(a); 47 U.S.C. 257(a); 47 U.S.C. 403

Abstract: The recordkeeping, retention, and reporting requirements in the Report and Order improve the Commission's ability to monitor problems with completing calls to rural areas, and enforce restrictions against blocking, choking, reducing, or restricting calls. The Further Notice of Proposed Rulemaking sought comment on additional measures intended to further ensure reasonable and nondiscriminatory service to rural areas. The Report and Order applies new recordkeeping, retention, and reporting requirements to providers of long-distance voice service that make the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines which, in most cases, is the calling party's long-distance provider. Covered providers are required to file quarterly reports and retain the call detail records for at least six calendar months. Qualifying providers may certify that they meet a Safe Harbor which reduces their reporting and retention obligations, or seek a waiver of these rules from the Wireline Competition Bureau, in consultation with the Enforcement Bureau. The Report and Order also adopts a rule prohibiting all originating and intermediate providers from causing audible ringing to be sent to the caller before the terminating provider has signaled that the called party is being alerted.

On February 13, 2015, the Wireline Competition Bureau provided additional guidance regarding how providers must request information. The Commission also adopted an Order on Reconsideration addressing petitions for reconsideration. Reports have been due quarterly beginning with the second quarter of 2015.

Timetable:

Action	Date	FR Cite
NPRM	04/12/13	78 FR 21891
Public Notice	05/07/13	78 FR 26572
NPRM Comment Period End.	05/28/13	
R&O and FNPRM	12/17/13	78 FR 76218
PRA 60 Day Notice.	12/30/13	78 FR 79448
FNPRM Comment Period End.	02/18/14	
PRA Comments Due.	03/11/14	
Public Notice	05/06/14	79 FR 25682
Order on Reconsideration.	12/10/14	79 FR 73227
Erratum	01/08/15	80 FR 1007
Public Notice	03/04/15	80 FR 11954
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard B. Hovey, Telecom Policy and Technology Specialist, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2582, *Email: richard.hovey@fcc.gov*.

RIN: 3060–AJ89

529. Rates for Inmate Calling Services; WC Docket No. 12–375

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) to (j); 47 U.S.C. 225; 47 U.S.C. 276; 47 U.S.C. 303(r); 47 CFR 64

Abstract: In the Report and Order portion of this document, the Federal Communications Commission adopts rule changes to bring high interstate inmate calling service (ICS) rates into compliance with the statutory mandate of being just, reasonable, and fair. In the Report and Order, the Commission requires that ICS rates be cost-based and concludes that site commission payments are not a cost of providing the ICS service. The Commission addresses ICS rates and adopts both interim safe harbor rates and per-minute interim interstate rate caps. The Commission requires that ancillary service charges be cost-based, and concludes that rates for the use of TTY equipment for the deaf and hard-of-hearing may not be any higher than rates for other ICS services. Finally, the Commission addresses collect-calling only requirements at correctional facilities, requires an annual certification filing, and initiates a mandatory data collection. In the Further Notice portion of the item, the Commission asks a number of questions about the future of ICS rate reform. In the Second Further Notice, the Commission asks additional questions about ICS rate reform including the regulation of intrastate ICS.

Timetable:

Action	Date	FR Cite
NPRM	01/22/13	78 FR 4369
FNPRM	11/13/13	78 FR 68005
R&O	11/13/13	78 FR 67956

Action	Date	FR Cite
FNPRM Comment Period End.	12/20/13	
Announcement of Effective Date.	06/20/14	79 FR 33709
2nd FNPRM	11/21/14	79 FR 69682
2nd FNPRM Comment Period End.	01/15/15	
2nd FNPRM Reply Comment Period End.	01/20/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lynne H Engledow, Assistant Division Chief, Pricing Policy Division, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1520, *Fax:* 202 418–1567, *Email: lynne.engledow@fcc.gov*.

RIN: 3060–AK08

530. Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 219; 47 U.S.C. 220

Abstract: The Commission initiates a rulemaking proceeding to review the Uniform System of Accounts (USOA) to consider ways to minimize the compliance burdens on incumbent local exchange carriers while ensuring that the agency retains access to the information it needs to fulfill its regulatory duties. In light of the Commission's actions in areas of price cap regulation, universal service reform, and intercarrier compensation reform, the Commission stated that it is likely appropriate to streamline the existing rules even though those reforms may not have eliminated the need for accounting data for some purposes. The Commission's analysis and proposals are divided into three parts. First, the Commission proposes to streamline the USOA accounting rules while preserving their existing structure. Second, the Commission seeks more focused comment on the accounting requirements needed for price cap carriers to address our statutory and regulatory obligations. Third, the Commission seeks comment on several related issues, including state requirements, rate effects, implementation, continuing property records, and legal authority.

Timetable:

Action	Date	FR Cite
NPRM	09/15/14	79 FR 54942
NPRM Comment Period End.	11/14/14	
NPRM Reply Comment Period End.	12/15/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robin Cohn, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2747, *Email: robin.cohn@fcc.gov*.

RIN: 3060–AK20

531. Protecting and Promoting the Open Internet; (WC Docket No. 14–28)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 151; 47 U.S.C. 154(i) to (j); 47 U.S.C. 201(b)

Abstract: In January of 2014, the D.C. Circuit in *Verizon* v. *FCC* struck down the no-blocking and no-unreasonable discrimination rules contained in the *2010 Open Internet Order*, invalidating the Commission's attempt to create legally enforceable standards to preserve the open Internet. In response to *Verizon*, in May 2014, the Commission released a Notice of Proposed Rulemaking (*2014 Open Internet NPRM*) that sought comment on a fundamental question: What is the right public policy to ensure that the Internet remains open? After careful review of the record generated by the *2014 Open Internet NPRM*, the Commission issued a combined Report and Order on Remand, Declaratory Ruling, and Order in this proceeding. The Report and Order established bright-line rules banning three specific practices that invariably harm the open Internet: Blocking, Throttling, and Paid Prioritization, and applied those rules to both fixed and mobile broadband Internet access service. In addition, the Report and Order put in place a general conduct standard to prevent a broadband service provider from unreasonably interfering with or disadvantaging the ability of end users to access content, applications, services or devices offered by edge providers. The Report and Order also strengthened the transparency rules that remained in place following *Verizon.*

In order to provide the best possible legal foundation for these rules, the Commission's Declaratory Ruling reclassified broadband Internet access service as a telecommunications service subject to title II of the Communications Act. Finally, in order to tailor title II to the 21st century broadband ecosystem, the Commission issued an Order forbearing from the majority of title II provisions, leaving in place a light-touch regime that will support regulatory action while simultaneously encouraging broadband investment, innovation, and deployment.

Timetable:

Action	Date	FR Cite
NPRM	07/01/14	79 FR 37448
NPRM Comment Period End.	07/18/14	
NPRM Reply Comment Period End.	09/15/14	
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19737
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zachary Ross, Attorney Advisor, Competiton Policy Division, WCB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1033, *Email: zachary.ross@fcc.gov*.

RIN: 3060–AK21

532. Emerging Wireline Networks and Services; GN Docket No. 13–5, WC Docket No. 05–25

Legal Authority: 47 U.S.C. 214; 47 U.S.C. 251; . . .

Abstract: This proceeding seeks to strengthen public safety, pro-consumer and pro-competition policies and protections in a manner appropriate for technology transitions that are underway and for networks and services that emerge from those transitions.The Notice of Proposed Rulemaking proposed new rules to ensure reliable backup power for consumers of IP-based voice and data services across networks that provide residential fixed service that substitutes for and improves upon the kind of traditional telephony used by people to dial 911. It also proposed new and revised rules to protect consumers by ensuring they are informed about their choices and the services provided to them when carriers retire legacy facilities (*e.g.*, copper networks) and seek to discontinue legacy services (*e.g.*, basic voice service). Finally, it proposed revised rules to protect competition where it exists today, so that the mere change of a network facility or discontinuance of a legacy service does not deprive small- and medium-size business, schools, libraries, and other enterprises of the ability to choose the kinds of innovative services that best suit their needs.

Timetable:

Action	Date	FR Cite
NPRM	01/06/15	80 FR 450
NPRM Comment Period End.	02/05/15	
NPRM Reply Comment Period End.	03/09/15	
R&O (Release Date).	08/06/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele Levy Berlove, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1477, *Email: michele.berlove@fcc.gov*.

RIN: 3060–AK32

533. Modernizing Common Carrier Rules, WC Docket No 15–33

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(j); 47 U.S.C. 154(i); 47 U.S.C. 160 to 161; 47 U.S.C. 201 to 205; 47 U.S.C. 214; 47 U.S.C. 218 to 221; 47 U.S.C. 225 to 228; 47 U.S.C. 254; 47 U.S.C. 303; 47 U.S.C. 308; 47 U.S.C. 403; 47 U.S.C. 410; 47 U.S.C. 571; 47 U.S.C. 1302; 52 U.S.C. sec 30141

Abstract: The Notice of Proposed Rulemaking (Notice) seeks to update our rules to better reflect current requirements and technology by removing outmoded regulations from the Code of Federal Regulations (CFR). The Notice proposes to update the CFR by (1) eliminating certain rules from which the Commission has forborn, and (2) eliminating references to telegraph service in certain rules. We propose to eliminate several rules from which the Commission has granted unconditional forbearance for all carriers. These are: (1) Section 64.804(c)–(g), which governs a carrier's recordkeeping and other obligations when it extends to federal candidates unsecured credit for communications service; (2) sections 42.4, 42.5, and 42.7, which require carriers to preserve certain records; (3) section 64.301, which requires carriers to provide communications service to foreign governments for international communications; (4) section 64.501, governing telephone companies' obligations when recording telephone conversations; (5) section 64.5001(a)–(c)(2), and (c)(4), which imposes certain reporting and certification requirements for prepaid calling card providers; and (6) section 64.1, governing traffic damage claims for carriers engaged in radio-telegraph, wire-telegraph, or ocean-cable service. We also propose to remove references to telegraph from certain sections of the Commission's rules. This proposal is consistent with Recommendation 5.38 of the Process Reform Report. Specifically, we propose to remove telegraph from: (1) Section 36.126 (separations); (2) section 54.706(a)(13) (universal service contributions); and (3) sections 63.60(c), 63.61, 63.62, 63.65(a)(4), 63.500(g), 63.501(g), and 63.504(k) (discontinuance).

Timetable:

Action	Date	FR Cite
NPRM	05/06/15	80 FR 25989
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Randy Clarke, Chief, CPD, Wireline Competition Bureau, Federal Communications Commission, 445 12 Street SW., Washington, DC 20554, *Phone:* 202 418–1587, *Email: randy.clarke@fcc.gov*.

RIN: 3060–AK33

534. • Numbering Policies for Modern Communications, WC Docket No. 13–97

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153; 47 U.S.C. 154; 47 U.S.C. 201–205; 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: This Order establishes a process to authorize interconnected VoIP providers to obtain North American Numbering Plan (NANP) telephone numbers directly from the Numbering Administrators, rather than through intermediaries. Section 52.15(g)(2)(i) of the Commission's rules limits access to telephone numbers to entities that demonstrate they are authorized to provide service in the area for which the numbers are being requested. The Commission has interpreted this rule as requiring evidence of either a state certificate of public convenience and necessity (CPCN) or a Commission license. Neither authorization is typically available in practice to interconnected VoIP providers. Thus, as a practical matter, generally only telecommunications carriers are able to provide the proof of authorization required under our rules, and thus able to obtain numbers directly from the Numbering Administrators. This Order establishes an authorization process to enable interconnected VoIP providers that choose direct access to request numbers directly from the Numbering Administrators. Next, the Order sets forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system.

The Order requires interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. These requirements include any state requirements pursuant to numbering authority delegated to the states by the Commission, as well as industry guidelines and practices, among others. The Order also requires interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. As conditions to requesting and obtaining numbers directly from the Numbering Administrators, interconnected VoIP providers are also required to: (1) Provide the relevant state commissions with regulatory and numbering contacts when requesting numbers in those states, (2) request numbers from the Numbering Administrators under their own unique OCN, (3) file any requests for numbers with the relevant state commissions at least 30 days prior to requesting numbers from the Numbering Administrators, and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area.

Finally, the Order also modifies Commission's rules in order to permit VoIP Positioning Center (VPC) providers to obtain pseudo-Automatic Number Identification (p-ANI) codes directly from the Numbering Administrators for purposes of providing E911 services.

Timetable:

Action	Date	FR Cite
NPRM	06/19/13	78 FR 36725
NPRM Comment Period End.	07/19/13	
R&O (Release Date).	06/22/15	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marilyn Jones, Attorney, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2357, *Fax:* 202 418–2345, *Email: marilyn.jones@fcc.gov*.

RIN: 3060–AK36

[FR Doc. 2015–30673 Filed 12–14–15; 8:45 am]

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FEDERAL REGISTER

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Part XXV

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period November 1, 2015, through April 30, 2016. The next agenda will be published in spring 2016.

DATES: Comments about the form or content of the agenda may be submitted anytime during the next 6 months.

ADDRESSES: Comments should be addressed to Robert deV. Frierson, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its fall 2015 agenda as part of the Fall 2015 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following Web site: *www.reginfo.gov.* Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into four sections. The first, Prerule Stage, reports on matters the Board is considering for future rulemaking. The second section, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The third section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. And a fourth section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further. A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

FEDERAL RESERVE SYSTEM—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
535	Regulation Q—Regulatory Capital Rules: Regulatory Capital, Proposed Rule Demonstrating Application of Common Equity Tier 1 Capital Qualification Criteria (Docket No: R–1506).	7100–AE27
536	Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)	7100–AD68
537	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429).	7100–AD80

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

535. Regulation Q—Regulatory Capital Rules: Regulatory Capital, Proposed Rule Demonstrating Application of Common Equity Tier 1 Capital Qualification Criteria (Docket No: R–1506)

Legal Authority: 12 U.S.C. 1844(b); 12 U.S.C. 1851; 12 U.S.C. 1467a; 12 U.S.C. 1818; 12 U.S.C. 3904; . . .

Abstract: Notice of proposed rulemaking that would illustrate how the Board of Governors of the Federal Reserve System (Board) would apply the common equity tier 1 capital qualification criteria to depository institution holding companies that are organized in forms other than as stock corporations (''proposed rule''). The proposed rule discusses some of the qualification criteria for common equity tier 1 capital under Regulation Q and provides examples of how the Board would apply the criteria in specific situations involving partnerships and limited liability companies. In addition, the proposed rule would amend Regulation Q to address unique issues presented by certain savings and loan holding companies that are trusts and by depository institution holding companies that are employee stock ownership plans.

Timetable:

Action	Date	FR Cite
Board Requested Comments.	12/19/14	79 FR 75759
Board Expects Further Action.	01/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christine Graham, Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–3005.

Mark Buresh, Attorney, Federal Reserve System, Legal Division, *Phone:* 202 452–5270.

Thomas R. Boemio, Manager, Federal Reserve System, Division of Banking Supervision and Regulation, *Phone:* 202 452–2982.

RIN: 7100–AE27

536. Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)

Legal Authority: 12 U.S.C. 4001 to 4010; 12 U.S.C. 5001 to 5018

Abstract: The Board of Governors of the Federal Reserve System (the Board) proposed amendments to Regulation CC to facilitate the banking industry's ongoing transition to fully electronic interbank check collection and return, including proposed amendments to subpart C to condition a depositary bank's right of expeditious return on the depositary bank agreeing to accept returned checks electronically, either directly or indirectly, from the paying bank. The Board also proposed amendments to subpart B, the funds availability schedule provisions to reflect the fact that there are no longer any non-local checks. The Board proposed to revise the model forms in appendix C that banks may use in disclosing their funds availability policies to their customers and to update the preemption determinations in appendix F. Finally, the Board requested comment on whether it should consider future changes to the regulation to improve the check collection system, such as decreasing the time afforded to a paying bank to decide whether to pay a check in order to reduce the risk to a depositary bank of needing to make funds available for withdrawal before learning whether a deposited check has been returned unpaid.

Timetable:

Action	Date	FR Cite
Board Requested Comments.	03/25/11	76 FR 16862
Board Requested Comments on Revised Proposal.	02/04/14	79 FR 6673
Board Expects Further Action on Subpart C.	12/00/15	
Board Expects Further Action on Subpart B.	09/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clinton Chen, Attorney, Federal Reserve System, Legal Division, *Phone:* 202 452–3952.

RIN: 7100–AD68

537. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429)

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828; . . .

Abstract: The Dodd-Frank Act Wall Street Reform and Consumer Protection Act (the Act) transferred responsibility for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively. The Board on August 12, 2011, approved an interim final rule for SLHCs, including a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board. The structure of interim final Regulation LL closely follows that of the Board's Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances, interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters. Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the Board's regulations. In many instances, interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs. The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

Timetable:

Action	Date	FR Cite
Board Requested Comments.	09/13/11	76 FR 56508
Board Expects Further Action.	12/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: C. Tate Wilson, Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–3696.

Claudia Von Pervieux, Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–2552.

RIN: 7100–AD80

[FR Doc. 2015–30675 Filed 12–14–15; 8:45 am]

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Part XXVI

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2015–0222]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, ''The Regulatory Flexibility Act,'' and Executive Order 12866, ''Regulatory Planning and Review.'' The Agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. The NRC has completed 8 rulemaking activities since publication of its last Agenda on June 18, 2015 (80 FR 35170). This issuance of the NRC's Agenda contains 34 active and 23 long-term rulemaking activities: 3 are Economically Significant; 10 represent Other Significant agency priorities; 50 are Substantive, Nonsignificant rulemaking activities; and 2 are Administrative rulemaking activity. In addition, 4 rulemaking activities impact small entities. This issuance also contains the NRC's annual regulatory plan, which includes a statement of the major rules that the NRC expects to publish in the coming fiscal year (FY) and a description of the other significant regulatory priorities that the NRC expects to work on during the coming FY and beyond. The NRC is requesting comment on its rulemaking activities as identified in this Agenda.

DATES: Submit comments on rulemaking activities as identified in this Agenda by January 14, 2016.

ADDRESSES: Submit comments on any rulemaking activity in the Agenda by the date and methods specified in any **Federal Register** notice on the rulemaking activity. Comments received on rulemaking activities for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the **Federal Register** notice. You may submit comments on this Agenda through the Federal Rulemaking Web site by going to *http://www.regulations.gov* and searching for Docket ID NRC–2015–0222. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions on any rulemaking activity listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rulemaking activity.

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: Cindy Bladey, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280; email: *Cindy.Bladey@nrc.gov.* Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rulemaking activity listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rulemaking activity.

SUPPLEMENTARY INFORMATION:

Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0222 when contacting the NRC about the availability of information for this document. You may obtain publically-available information related to this document by any of the following methods:

- Reginfo.gov:
  - For completed rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaHistory?showStage=completed* and select Nuclear Regulatory Commission from drop down menu.
  - For active rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaMain* and select Nuclear Regulatory Commission from drop down menu.
  - For long-term rulemaking activities go to *http://www.reginfo.gov/public/do/eAgendaHistory?operation=OPERATION_GET_PUBLICATION&showStage=longterm&currentPubId=201410* and select Nuclear Regulatory Commission from drop down menu.
- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0222.
- *NRC's Public Web site:* Go to *http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/unified-agenda.html* and select fall 2015.
- *NRC's Public Document Room:* 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–2015–0222 in your comment submission.

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

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

Introduction

The Agenda is a compilation of all rulemaking activities on which an agency has recently completed action or has proposed or is considering action. The Agenda reports rulemaking activities in three major categories: completed, active, and long-term. Completed rulemaking activities are those that were completed since publication of an agency's last Agenda; active rulemaking activities are those that an agency currently plans to have an Advance Notice of Proposed Rulemaking, a Proposed Rule, or a Final Rule issued within the next 12 months; and long-term rulemaking activities are rulemaking activities under development but for which an agency does not expect to have a regulatory action within the 12 months after publication of the current edition of the Agenda.

A ''Regulation Identifier Number'' or RIN is given to each rulemaking activity that the NRC has published or plans on publishing a **Federal Register** notice and the Office of Management and Budget uses this number to track all relevant documents throughout the entire ''lifecycle'' of a particular rulemaking activity. The NRC reports all rulemaking activities in the Agenda that have been assigned a RIN and meet the definition for a completed, an active, or a long-term rulemaking activity.

The information contained in this Agenda is updated to reflect any action

that has occurred on rulemaking activities since publication of the last NRC Agenda on June 18, 2015 (80 FR 35170). Specifically, the information in this Agenda has been updated through September 18, 2015.

The date for the next scheduled action under the heading ''Timetable'' is the date the next regulatory action for the rulemaking activity is scheduled to be published in the **Federal Register.** The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking activity even though it is not included in the Agenda.

Common Prioritization of Rulemaking

A key part of the NRC's regulatory program is a periodic review of all ongoing and potential rulemaking activities. In conjunction with its budget, the NRC compiles a Common Prioritization of Rulemaking (CPR) report to develop program budget estimates and to determine the relative priority of NRC rulemaking activities. The CPR process considers four factors and assigns a score to each factor. Factor A includes activities that support the NRC's Strategic Plan goals of ensuring the safe and secure use of radioactive materials. Factor B includes rulemaking activities that support the NRC's Strategic Plan cross-cutting strategies for enhancing regulatory effectiveness and/or openness in the conduct of regulatory activities. Factor C is a governmental factor representing the relative interest of the NRC, Congress, or other governmental bodies in the rulemaking activity. Factor D is an external factor representing the relative interest to members of the public, non-governmental organizations, the nuclear industry, vendors, and suppliers in the rulemaking activity. The overall priority is determined by adding the factor scores together for each rulemaking activity. The CPR report and a detailed description of the CPR process are available from the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/rule-priorities.html.*

The NRC's fall Agenda contains its annual regulatory plan, which includes a statement of the major rules that the NRC expects to publish in the coming FY and a description of the other significant regulatory priorities from the CPR that the NRC expects to work on during the coming FY and beyond. The NRC's regulatory plan was submitted to OMB in June 2015; updates have been reflected in the Agenda abstract for each rulemaking.

Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of promulgation of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. The NRC undertakes these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, the NRC does not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, the NRC has not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of NRC regulations that impact small entities and related Small Entity Compliance Guides will be available from the NRC's Web site at *http://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html.*

Public Comments Received on NRC Agendas

The NRC has received comments from the Nuclear Energy Institute (NEI) regarding the level of detail provided in the abstract for each NRC rulemaking activity and on the process the NRC uses to prioritize its rulemaking activities.

The NRC actively seeks to improve its rulemaking process and reporting. In recent Agendas NRC has reported additional information in the preamble and in the abstracts for its rules; in addition, in June of 2015, NRC launched a new public Web page with detail on the NRC's process for rulemaking prioritization: *http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/rule-priorities.html.* NRC finds these actions address NEI's suggestions related to reporting on its rulemaking prioritization. NRC notes that it has received comments from NEI and other members of the public regarding the methodology staff uses to prioritize rulemaking activities. Each year the NRC reviews its methodology for prioritizing rulemaking activities to determine if changes are necessary; at this time the NRC does not plan to make any changes to its methodology. However, the agency currently is engaged in an enterprise-wide project to review several of its regulatory and internal processes, including rulemaking (see *http://pbadupws.nrc.gov/docs/ML1515/ML15159A234.pdf*).

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

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
538	Variable Annual Fee Structure for Small Modular Power Reactors [NRC–2008–0664]	3150–AI54
539	Revision of Fee Schedules: Fee Recovery for FY 2016 [NRC–2015–0223]	3150–AJ66

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
540	Controlling the Disposition of Solid Materials [NRC–1999–0002]	3150–AH18

NUCLEAR REGULATORY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
541	Revision of Fee Schedules: Fee Recovery for FY 2015 [NRC–2014–0200]	3150–AJ44

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

538. Variable Annual Fee Structure for Small Modular Power Reactors [NRC–2008–0664]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The advanced notice of proposed rulemaking (ANPRM) was published in the **Federal Register** on March 25, 2009 (74 FR 12735), seeking comments from the public on a possible variable fee structure for part 171 annual fees for power reactors based on licensed power limits. The comment period ended on June 8, 2009, and the NRC received 16 public comments. The Commission approved the staff's recommendation to establish an NRC workgroup to analyze suggested methodologies for a variable annual fee structure for power reactors in SECY–09–0137 dated October 13, 2009. On February 7, 2011, the Office of the Chief Financial Officer (OCFO) sent a memorandum to the Commission (ADAMS Accession No. ML110380251) responding to SECY–09–0137. On March 27, 2015, the OCFO sent a memorandum to the Commission requesting approval to proposed a variable annual fee structure for small modular reactor March 27, 2015, (ADAMS Accession No. ML110380251). The Commission approved the staff's request to publish this rule (SRM) to SECY–15–044, May 18, 2015, (ADAMS Accession No. ML15135A427).

Timetable:

Action	Date	FR Cite
ANPRM	03/25/09	74 FR 12735
ANPRM Comment Period End.	06/08/09	
NPRM	11/04/15	80 FR 68268
NPRM Comment Period End.	12/04/15	
Final Rule	06/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Arlette P. Howard, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–1481, *Email: arlette.howard@nrc.gov.*

RIN: 3150–AI54

539. • Revision of Fee Schedules: Fee Recovery for FY 2016 [NRC–2015–0223]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: This proposed rulemaking would amend the licensing, inspection, and annual fees that the Commission charges its applicants and licensees. These amendments would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90) as amended, which requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2016, less the amounts appropriated from the Waste Incidental to Reprocessing, and generic homeland security activities.

Timetable:

Action	Date	FR Cite
NPRM	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Arlette P. Howard, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–1481, *Email: arlette.howard@nrc.gov.*

RIN: 3150–AJ66

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

540. Controlling the Disposition of Solid Materials [NRC–1999–0002]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The NRC staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005, which the Commission disapproved (ADAMS Accession No. ML051520285). The rulemaking package included a summary of stakeholder comments (NUREG/CR–6682), Supplement 1 (ADAMS Accession No. ML003754410). The Commission's decision was based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. The Commission has deferred action on this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Torre Taylor, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555–0001, *Phone:* 301 415–7900, *Email: torre.taylor@nrc.gov.*

RIN: 3150–AH18

NUCLEAR REGULATORY COMMISSION (NRC)

Completed Actions

541. Revision of Fee Schedules: Fee Recovery for FY 2015 [NRC–2014–0200]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: This final rule amends the licensing, inspection, and annual fees that the Commission charges its applicants and licensees. These amendments implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90) as amended, which requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2015, less the amounts appropriated from the Waste Incidental to Reprocessing, and generic homeland security activities.

Completed:

Reason	Date	FR Cite
Final Rule	06/30/15	80 FR 37432
Final Rule Effective.	08/31/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Arlette P. Howard, *Phone:* 301 415–1481, *Email: arlette.howard@nrc.gov.*

RIN: 3150–AJ44

[FR Doc. 2015–30676 Filed 12–14–15; 8:45 am]

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Part XXVII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33–9926, 34–75968, IA–4207, IC–31848, File No. S7–17–15]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Securities and Exchange Commission is publishing the Chair's agenda of rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 94 Stat. 1164) (Sep. 19, 1980). The items listed in the Regulatory Flexibility Agenda for fall 2015, reflect only the priorities of the Chair of the U.S. Securities and Exchange Commission, and do not necessarily reflect the view and priorities of any individual Commissioner.

Information in the agenda was accurate on September 23, 2015, the date on which the Commission's staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of an RFA analysis is required.

The Commission's complete RFA agenda will be available online at *www.reginfo.gov.*

DATES: Comments should be received on or before January 14, 2016.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–17–15 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. S7–17–15. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/other.shtml*). Comments are also available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Anne Sullivan, Office of the General Counsel, 202–551–5019.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). The Commission may consider or act on any matter earlier or later than the estimated date provided on the agenda. While the agenda reflects the current intent to complete a number of rulemakings in the next year, the precise dates for each rulemaking at this point are uncertain. Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

''Securities Act''— Securities Act of 1933

''Exchange Act''— Securities Exchange Act of 1934

''Investment Company Act''— Investment Company Act of 1940

''Investment Advisers Act''— Investment Advisers Act of 1940

''Dodd Frank Act''—Dodd-Frank Wall Street Reform and Consumer Protection Act

''JOBS Act''—Jumpstart Our Business Startups Act'

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.

Dated: September 23, 2015.

Brent J. Fields,

Secretary.

DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
542	Pay Versus Performance	3235–AL00
543	Crowdfunding	3235–AL37
544	Amendments to Regulation D, Form D and Rule 156 Under the Securities Act	3235–AL46
545	Disclosure of Hedging by Employees, Officers and Directors	3235–AL49
546	Listing Standards for Recovery of Erroneously Awarded Compensation	3235–AK99
547	Changes to Exchange Act Registration Requirements to Implement Title V and Title VI of the JOBS Act	3235–AL40

DIVISION OF INVESTMENT MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
548	Investment Company Reporting Modernization	3235–AL42

DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
549	Reporting of Proxy Votes on Executive Compensation and Other Matters	3235–AK67
550	Amendments to Form ADV and Investment Advisers Act Rules	3235–AL75

DIVISION OF TRADING AND MARKETS—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
551	Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934	3235–AL14

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Final Rule Stage

542. Pay Versus Performance

Legal Authority: Pub. L. 111–203, sec 955; 15 U.S.C. 78n

Abstract: The Commission proposed rules to implement section 953(a) of the Dodd Frank Act, which added section 14(i) to the Exchange Act to require issuers to disclose information that shows the relationship between executive compensation actually paid and the financial performance of the issuer.

Timetable:

Action	Date	FR Cite
NPRM	05/07/15	80 FR 26330
NPRM Comment Period End.	07/06/15	
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eduardo Aleman, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3430, *Fax:* 202 772–9207.

RIN: 3235–AL00

543. Crowdfunding

Legal Authority: 15 U.S.C. 77a *et seq.*; 15 U.S.C. 78a *et seq.*; Pub. L. 112–108, secs 301 to 305

Abstract: The Commission adopted rules to implement title III of the JOBS Act by prescribing rules governing the offer and sale of securities through crowdfunding under new section 4(a)(6) of the Securities Act.

Timetable:

Action	Date	FR Cite
NPRM	11/05/13	78 FR 66428
NPRM Comment Period End.	02/03/14	
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy White, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–7232.

Sebastian Gomez Abero, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3460.

RIN: 3235–AL37

544. Amendments to Regulation D, Form D and Rule 156 Under the Securities Act

Legal Authority: 15 U.S.C. 77a *et seq.*

Abstract: The Commission proposed rule and form amendments to enhance the Commission's ability to evaluate the development of market practices in offerings under Rule 506 of Regulation D and address concerns that may arise in connection with permitting issuers to engage in general solicitation and general advertising under new paragraph (c) of Rule 506.

Timetable:

Action	Date	FR Cite
NPRM	07/24/13	78 FR 44806
NPRM Comment Period End.	09/23/13	
NPRM Comment Period Re-opened.	10/03/13	78 FR 61222
NPRM Comment Period End.	11/04/13	
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Vilardo, Division of Corporation Finance, Securities and Exchange Commission, 100 F St. NE., Washington, DC 20549, *Phone:* 202 551–3500.

RIN: 3235–AL46

545. Disclosure of Hedging by Employees, Officers and Directors

Legal Authority: Pub. L. 111–203

Abstract: The Commission proposed rules to implement section 955 of the Dodd Frank Act, which added section 14(j) to the Exchange Act to require annual meeting proxy statement disclosure of whether employees or members of the board of directors are permitted to engage in transactions to hedge or offset any decrease in the market value of equity securities granted to the employee or board member as compensation, or held directly or indirectly by the employee or board member.

Timetable:

Action	Date	FR Cite
NPRM	02/17/15	80 FR 8486
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carolyn Sherman, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500.

RIN: 3235–AL49

546. Listing Standards for Recovery of Erroneously Awarded Compensation

Legal Authority: Pub. L. 111–203, sec 954; 15 U.S.C. 78j–4

Abstract: The Commission proposed rules to implement section 954 of the Dodd Frank Act, which requires the Commission to adopt rules to direct national securities exchanges to prohibit the listing of securities of issuers that have not developed and implemented a policy providing for disclosure of the issuer's policy on incentive-based compensation and mandating the clawback of such compensation in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	07/14/15	80 FR 41144

Action	Date	FR Cite
NPRM Comment Period End.	09/14/15	
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anne M. Krauskopf, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500.

RIN: 3235–AK99

547. Changes to Exchange Act Registration Requirements To Implement Title V and Title VI of the JOBS Act

Legal Authority: Pub. L. 112–106

Abstract: The Commission proposed amendments to rules to implement titles V (Private Company Flexibility and Growth) and VI (Capital Expansion) of the JOBS Act.

Timetable:

Action	Date	FR Cite
NPRM	12/30/14	79 FR 78343
NPRM Comment Period End.	03/03/15	
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3430.

RIN: 3235–AL40

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Proposed Rule Stage

548. Investment Company Reporting Modernization

Legal Authority: 15 U.S.C. 77 *et seq.*; 15 U.S.C. 77aaa *et seq.*; 15 U.S.C. 78a *et seq.*; 15 U.S.C. 80a *et seq.*; 44 U.S.C. 3506; 44 U.S.C. 3507

Abstract: The Commission proposed new rules and forms as well as amendments to its rules and forms to modernize the reporting and disclosure of information by registered investment companies.

Timetable:

Action	Date	FR Cite
NPRM	06/12/15	80 FR 33590
NPRM Comment Period End.	08/11/15	
NPRM Comment Period Re-opened.	10/12/15	80 FR 62274
NPRM Comment Period Re-opened End.	01/13/16	
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sara Cortes, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6781, *Email: cortess@sec.gov.*

RIN: 3235–AL42

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Final Rule Stage

549. Reporting of Proxy Votes on Executive Compensation and Other Matters

Legal Authority: 15 U.S.C. 78m; 15 U.S.C. 78w(a); 15 U.S.C. 78mm; 15 U.S.C. 78x; 15 U.S.C. 80a–8; 15 U.S.C. 80a–29; 15 U.S.C. 80a–30; 15 U.S.C. 80a–37; 15 U.S.C. 80a–44; Pub. L. 111–203, sec 951

Abstract: The Commission proposed rule amendments to implement section 951 of the Dodd Frank Act. The proposed amendments to rules and Form N–PX would require institutional investment managers subject to section 13(f) of the Exchange Act to report how they voted on any shareholder vote on executive compensation or golden parachutes pursuant to sections 14A(a) and (b) of the Exchange Act.

Timetable:

Action	Date	FR Cite
NPRM	10/28/10	75 FR 66622
NPRM Comment Period End.	11/18/10	
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew DeLesDernier, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6792, *Email: delesdernierj@sec.gov.*

RIN: 3235–AK67

550. • Amendments to Form ADV and Investment Advisers Act Rules

Legal Authority: 15 U.S.C. 77s(a); 15 U.S.C. 77sss(a); 15 U.S.C. 78bb(e)(2); 15 U.S.C. 78w(a); 15 U.S.C. 80a–37(a); 15 U.S.C. 80b–3(c)(1)

Abstract: The Commission proposed amendments to Form ADV that are designed to provide additional information regarding advisers, including information about their separately managed account business; incorporate a method for private fund adviser entities operating a single advisory business to register using a single Form ADV; and make clarifying, technical and other amendments to certain Form ADV items and instructions. The Commission also proposed amendments to the Investment Advisers Act books and records rule and technical amendments to several Investment Advisers Act rules to remove transition provisions that are no longer necessary.

Timetable:

Action	Date	FR Cite
NPRM	06/12/15	80 FR 33718
NPRM Comment Period End.	08/11/15	
Final Action	10/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Holly Hunter-Ceci, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6869, *Email: hunter-cecih@sec.gov.*

RIN: 3235–AL75

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Long-Term Actions

551. Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934

Legal Authority: Pub. L. 111–203, sec 939A

Abstract: Section 939A of the Dodd Frank Act requires the Commission to remove certain references to credit ratings from its regulations and to substitute such standards of creditworthiness as the Commission determines to be appropriate. The Commission amended certain rules and one form under the Exchange Act applicable to broker-dealer financial responsibility, and confirmation of transactions. The Commission has not yet finalized amendments to certain rules regarding the distribution of securities.

Timetable:

Action	Date	FR Cite
NPRM	05/06/11	76 FR 26550
NPRM Comment Period End.	07/05/11	
Final Action	01/08/14	79 FR 1522
Final Action Effective.	07/07/14	

Action	Date	FR Cite
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Guidroz, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6439, *Email: guidrozj@sec.gov*.

RIN: 3235–AL14

[FR Doc. 2015–30678 Filed 12–14–15; 8:45 am]

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