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Reader Aids

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CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

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SMALL BUSINESS ADMINISTRATION

2 CFR Part 2701

13 CFR Part 143

RIN 3245–AG62

Federal Awarding Agency Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

AGENCY: U.S. Small Business Administration.

ACTION: Final rule.

SUMMARY: The U.S. Small Business Administration (SBA) publishes this rule to adopt as a final rule, with one change, a joint interim final rule published with the Office of Management and Budget (OMB) for all Federal award-making agencies that implemented guidance on Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). This rule is necessary to incorporate into regulation and thus bring into effect the Uniform Guidance as required by OMB for the SBA.

DATES: This rule is effective February 10, 2016.

FOR FURTHER INFORMATION CONTACT: William G. Bethel, Director, Office of Grants Management, Small Business Administration, 409 3rd Street SW., Washington, DC 20416 at (202) 205–7198 or *William.Bethel@sba.gov.*

SUPPLEMENTARY INFORMATION: On December 19, 2014, OMB and SBA issued an interim final rule that implemented for all Federal award-making agencies the final guidance on Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) (79 FR 75867, 76080–76081, December 19, 2014). In that interim final rule, Federal awarding agencies, including the SBA, joined together to implement the Uniform Guidance in their respective chapters of title 2 of the CFR, and, where approved by OMB, implemented any exceptions to the Uniform Guidance by including the relevant language in their regulations. Where applicable, agencies provided additional language beyond that included in 2 CFR part 200, consistent with their existing policy, to provide more detail with respect to how they intend to implement the policy, where appropriate.

In addition, the interim final rule made technical corrections to the Uniform Guidance, where needed, to ensure that particular language in the final guidance matched with the Council on Financial Assistance Reform's intent and to avoid any erroneous implementation of the guidance. The interim final rule went into effect on December 26, 2014. The public comment period for the interim final rule closed on February 17, 2015.

The SBA publishes this final rule to adopt the provisions of the interim final rule. The SBA adopted six exceptions to the Uniform Guidance and two implementing provisions, all of which were codified in 2 CFR part 2701. The SBA did not receive any public comments on its regulations. Accordingly, the SBA makes no substantive changes to the interim final rule. However, in order to reflect organizational changes that have occurred at SBA since the publication of the interim final rule and to provide for greater stability during periods of political transition, SBA is in this final rule reallocating responsibility for serving as the Agency's Single Audit Senior Accountable Official from the Chief Administrative Officer to the Deputy Chief Operating Officer.

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

Pursuant to Executive Order 12866, OMB has determined this final rule to be not significant.

Paperwork Reduction Act

This rule contains no collections of information subject to the requirements of the Paperwork Reduction Act (44 U.S.C. Ch. 3506). Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.

Regulatory Flexibility Act

Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

List of Subjects in 2 CFR Part 2701

Administrative practice and procedure, Grant administration, Grant programs.

Accordingly, the interim rule amending 2 CFR part 2701 and 13 CFR part 143, which was published at 79 FR 75867 on December 19, 2014, is adopted as a final rule with the following change:

PART 2701—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 1. The authority citation for part 2701 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), 2 CFR part 200.

■ 2. Revise § 2701.513 to read as follows:

§ 2701.513 Responsibilities.

For SBA, the Single Audit Senior Accountable Official is the Deputy Chief Operating Officer. The Single Audit Liaison is the Director, Office of Grants Management.

Maria Contreras-Sweet,
Administrator.

[FR Doc. 2015–33168 Filed 1–8–16; 8:45 am]
BILLING CODE 8025–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2015–0134]

RIN 3150–AJ62

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

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of April 25, 2016, for the direct final rule that was published in the **Federal Register** on September 28, 2015. This direct final rule amended the NRC's spent fuel storage regulations by revising the Holtec International (Holtec), HI–STORM (Holtec International Storage Module) Flood/Wind (FW) Multipurpose Canister Storage (MPC) Storage System listing within the ''List of approved spent fuel storage casks'' to add Amendment No. 0, Revision 1, to Certificate of Compliance (CoC) No. 1032. This revision corrects the CoC's expiration date (editorial change), clarifies heat load limits for helium backfill ranges, clarifies the wording for the Limiting Condition for Operation (LCO) on vent blockage, and revises the vacuum drying system heat load.

DATES: *Effective date:* The effective date of April 25, 2016, for the direct final rule published September 28, 2015 (80 FR 58195), is confirmed.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0134. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Solomon Sahle, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3781; email: *Solomon.Sahle@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

On September 28, 2015 (80 FR 58195), the NRC published a direct final rule amending its regulations in § 72.214 of Title 10 of the *Code of Federal Regulations* by revising the Holtec HI–STORM FW MPC Storage System listing within the ''List of approved spent fuel storage casks'' to add Amendment No. 0, Revision 1, to CoC No. 1032. This revision corrects the CoC's expiration date (editorial change), clarifies heat load limits for helium backfill ranges, clarifies the wording for the LCO on vent blockage, and revises the vacuum drying system heat load.

II. Public Comments on Companion Proposed Rule

In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on April 25, 2016. The NRC received public comments from private citizens on the companion proposed rule (80 FR 58222). Electronic copies of these comments can be obtained from the Federal Rulemaking Web site, *http://www.regulations.gov,* by searching for Docket ID NRC–2015–0134. The comments also are available in ADAMS under Accession Nos. ML15296A243, ML15296A241, ML15296A242, ML15299A281, ML15307A612, ML15307A615, ML15307A608, ML15307A609, ML15307A610, and ML15307A611. For the reasons discussed in more detail in Section III, ''Public Comment Analysis,'' of this document, none of the comments received are considered significant adverse comments.

III. Public Comment Analysis

The NRC received comments on the proposed rule, many raising multiple and overlapping issues. As explained in the September 28, 2015, direct final rule, the NRC would withdraw the direct final rule only if it received a ''significant adverse comment.'' This is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

In this instance, the NRC determined that none of the comments submitted on the proposed rule are significant adverse comments. The comments were either beyond the scope of this rulemaking or already addressed by the NRC staff's safety evaluation report (SER) (ADAMS Accession No. ML15124A644). The NRC has not made any changes to the direct final rule as a result of the public comments. However, the NRC is taking this opportunity to respond to the comments in an effort to clarify information about the 10 CFR part 72 CoC rulemaking process, and the limited nature of this revision.

For rulemakings amending or revising a CoC, the scope of the rulemaking is limited to the specific changes requested by the applicant in the request for the amendment or revision. Therefore, comments about the system, or spent fuel storage in general that are not applicable to the changes requested by the applicant, are outside the scope of this rulemaking. Comments about details of the particular system that is the subject of the rulemaking, but that are not being addressed by the specific changes requested, have already been resolved in prior rulemakings. Persons who have questions or concerns about prior rulemakings and the resulting final rules may consider the NRC's petition for rulemaking process under 10 CFR 2.802. Additionally, safety concerns about any NRC-regulated activity may be reported to the NRC in accordance with the guidance posted on the NRC's public Web site at *http://www.nrc.gov/about-nrc/regulatory/allegations/safety-concern.html.* This Web site provides information on how to notify the NRC of emergency or non-emergency issues.

The NRC identified the following issues raised in the comments, and the NRC's responses to these issues follow.

Comment 1

Two comments received from one commenter requested the NRC deny this revision request, expressing concern with the thickness of the canisters. The commenter stated that European systems have a more robust design and that NRC should require the same. The commenter expressed concern that the

NRC's approval would not be protective of public health and safety.

NRC Response

The comment is out of scope for this revision. It is a general comment recommending that United States' manufacturers utilize some design features used in some European systems. The European systems cited are designed for a different application than dry cask storage systems authorized by 10 CFR 72 Subpart K, ''General License for Storage of Spent Fuel at Power Reactor Sites.'' The HI–STORM FW MPC Storage System was evaluated by the NRC staff to acceptably protect the public health and safety on July 14, 2011 (ADAMS Accession No. ML111950103). The Revision 1 changes were evaluated by the NRC staff to ensure that the HI–STORM FW MPC Storage System will continue to protect the public health and safety. These evaluations were performed in accordance with the NRC's existing part 72 regulations. Requests to revise the underlying part 72 requirements are beyond the scope of this revision request.

Comment 2

Two comments, which read ''good'', appeared to indicate support for the rule.

NRC Response

The NRC acknowledges the comments. Because the comments appear to support the rule, the comments are not considered significant adverse comments.

Comment 3

Two commenters expressed concern regarding the vent size, stating that the vents are disproportionately small for such large casks, and poorly located. The commenters also stated that 50% blockage of the vents is unacceptable regardless of temperature, and that, instead, vents should be totally unblocked to be considered operable. The commenters also expressed concern with the protocols for vents that are not operable within 24 hours. The commenters also objected to a perceived inconsistent application of ASME code standards to the CoC.

NRC Response

The HI–STORM FW MPC Storage System design, including the vent size and location, were evaluated by the NRC staff in the initial approval (ADAMS Accession No. ML111950103). The system was ultimately determined to be acceptable because the applicant demonstrated that the system could maintain the spent nuclear fuel below regulatory limits with up to 50% blockage of the inlet and out vents for an indefinite time as long as the spent fuel storage cask heat removal system remains operable. Although this revision includes clarifying changes to the LCO vent blockage language, there are no changes in this revision that impact the underlying analysis evaluated in the initial approval. Additionally, there is no specific information in the comment that would cause the NRC to reevaluate this analysis. Therefore, this comment is not considered a significant adverse comment.

Comment 4

One commenter requested withdrawal of the revision due to concerns that the environmental assessment (EA) that accompanied the rule was inadequate. The commenter expressed concern that, because the EA for this rule tiered off of an EA performed for the 1990 rulemaking that added the general license for storage of spent fuel at power reactor sites, the EA is outdated. The commenter noted that using an outdated EA raises the question of whether the EA is valid in light of the Fukushima disaster that occurred in Japan on March 11, 2011. In addition to withdrawal of the rule, the commenter also requested that a new environmental impact assessment be commissioned, and that all current projects meet at least the minimum standards employed at Fukushima.

NRC Response

This comment is not a significant adverse comment as it fails to present any specific challenge to the EA performed in support of this rule. As noted in the comment, the NRC performed an EA in support of this revision. That EA tiered off of an earlier EA completed to support changes to the part 72 rule that added the general license provisions, but considered environmental impacts specific to this revision. Both of these EAs concluded with a finding of no significant environmental impact. This comment does not provide any specific environmental information relating to the storage of spent fuel at Fukushima that would invalidate the finding of no significant impact in this EA or the earlier EA or that would cause the NRC to reevaluate the environmental impacts associated with this revision to this CoC. Moreover, the staff is unaware of any information that would challenge the findings made in these EAs.

Comment 5

Comments were also received which neither supported nor opposed the rule, but instead, contained numerous questions about this CoC system and other similar CoC systems. Although these comments are not significant adverse comments, and in many instances fall outside the scope of this specific rulemaking, the NRC is taking this opportunity to attempt to address the questions received.

One commenter asked about temperature values included in the Appendix A Technical Specifications (TS) page 3.1.2–2. The commenter noted that a previous CoC included one temperature value as 137 degrees F, while this CoC TS identifies it as 139 degrees F, but does not reflect it as a revision. The commenter asked which temperature value is correct and the implication of the temperature difference. The commenter also asked how relevant ambient air temperature is to underground systems such as the Holtec HI–STORM UMAX system.

NRC Response

The temperature addressed in the comment is correctly listed as 139 degrees F which is applicable to CoC 1032, Amendment No. 0. This temperature was changed to 137 degrees F in CoC 1032, Amendment No. 1. The HI–STORM UMAX is a different system from the HI–STORM FW MPC Storage System and as such has a different thermal design.

Comment 6

Another commenter requested an explanation as to the vendor's statement in the application regarding additional flexibility associated with the limits to the use of vacuum drying to casks at lower heat loads.

NRC Response

In the application for this revision, the applicant contends that lowering this temperature limit provides additional conservatism (margin) that would allow the applicant the flexibility to implement some changes under the 10 CFR 72.48 process rather than through the amendment process. The NRC staff evaluated the lower temperature limit in its preliminary SER (ADAMS Accession No. ML15124A644), and found the lower limit acceptable.

Comment 7

Finally, there were several questions asked about the relationship between this revision and the HI–STORM UMAX system and/or the implications of the changes proposed here to potential uses at the San Onofre Generating Station

(SONGS). Questions included whether this change addresses the impacts of using the HI–STORM FW system MPC–37 in the HI–STORM UMAX system, and whether it involves ''the proposed San Onofre configuration of only installing ½ underground.'' The commenter questioned what CoC is approved for use in the HI–STORM UMAX system. Another question asked was whether this change allows ''MPC–37 canister thickness increases (such as a change from 0.5'' to 0.625'' proposed for San Onofre) without requiring a license amendment.''

NRC Response

There is no relationship between this revision and the HI–STORM UMAX system. Each system is separately reviewed and certified in accordance with 10 CFR part 72. General licensees may use the certified systems identified in 10 CFR 72.214 subject to meeting certain requirements in 10 CFR part 72. Therefore, the changes in this revision are applicable only to the HI–STORM FW MPC system, CoC No. 1032, and are not applicable to the HI–STORM UMAX system that is intended to be used at SONGS. Nothing in this revision impacts anything associated with the HI–STORM UMAX system; therefore, this revision does not impact the thickness of the canisters in the HI–STORM UMAX system, or the placement of the UMAX system. Additionally, although this rule is a revision to the HI–STORM FW MPC system, nothing in this revision impacts the thickness of the canisters in the HI–STORM FW MPC system.

For these reasons, the NRC staff has concluded that the comments received on the companion proposed rule for the Holtec HI–STORM FW MPC Storage System listing within the ''List of approved spent fuel storage casks'' to add Amendment No. 0, Revision 1, to CoC No. 1032, are not significant adverse comments as defined in NUREG/BR–0053, Revision 6, ''United States Nuclear Regulatory Commission Regulations Handbook'' (ADAMS Accession No. ML052720461). Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 31st day of December 2015.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 2016–00163 Filed 1–8–16; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 950

[Docket No. 150202106–5999–03]

RIN 0648–BE86

Schedule of Fees for Access to NOAA Environmental Data, Information, and Related Products and Services; Correction

AGENCY: National Environmental Satellite, Data and Information Service (NESDIS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Final rule; correcting amendment.

SUMMARY: This action corrects the NESDIS FY 2016 schedule of fees for the sale of its data, information, and related products and services to users. NESDIS is authorized under the United States Code to assess fees, up to fair market value, for access to environmental data, information, and products derived from, collected, and/or archived by NOAA. This action corrects one user fee, titled the Department of Commerce Certification. In the October 22, 2015, final rule, the fee was incorrectly listed as $16.00. The correct user fee should be $116.00.

DATES: Effective January 11, 2016.

FOR FURTHER INFORMATION CONTACT: James Lewis (301) 713–7073.

SUPPLEMENTARY INFORMATION:

Background

NESDIS operates NOAA's National Center for Environmental Information (NCEI). Through NCEI, NESDIS provides and ensures timely access to global environmental data from satellites and other sources, provides information services, and develops science products. NESDIS maintains some 1,300 databases containing over 2,400 environmental variables at NCEI and seven World Data Centers. These centers respond to over 2,000,000 requests for these data and products annually from over 70 countries. This collection of environmental data and products is growing rapidly, both in size and sophistication, and as a result the associated costs have increased.

Users have the ability to access the data offline, online and through the NESDIS *e-Commerce System (NeS) online store.* Our ability to provide data, information, products and services depends on user fees.

New Fee Schedule

In an October 22, 2015, final rule (80 FR 63914), NESDIS established a new schedule of fees for the sale of its data, information, and related products and services to users (''October 2015 Fee Schedule Rule''). NESDIS revised the fee schedule that has been in effect since 2013 to ensure that the fees accurately reflect the costs of providing access to the environmental data, information, and related products and services. The new fee schedule lists both the current fee charged for each item and the new fee to be charged to users that took effect beginning November 23, 2015. The schedule applies to the listed services provided by NESDIS on or after this date, except for products and services covered by a subscription agreement in effect as of this date that extends beyond this date. In those cases, the increased fees will apply upon renewal of the subscription agreement or at the earliest amendment date provided by the agreement.

NESDIS will continue to review the user fees periodically, and will revise such fees as necessary. Any future changes in the user fees and their effective date will be announced through notice in the **Federal Register**.

Need for Correction

The October 2015 Fee Schedule Rule contains one fee—which appears in a table in Appendix A to Part 950—that was reported incorrectly. The Department of Commerce Certification Fee was listed as $16.00. The last rule had the rate incorrectly listed. The correct fee for this service is $116.00. We now are setting out the entire table with the corrected fee to provide clarity for the public.

Classification

The correction this action makes is minor and merely updates a typographical error within the original final rule. This rule has been determined to be not significant for purposes of E.O. 12866.

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public comment are inapplicable because this rule falls within the public property exception of subparagraph (a)(2) of section 553, as it relates only to the assessment of fees, as authorized by 15 U.S.C. 1534, that accurately reflect the costs of providing access to publicly available environmental data, information, and related products. Further, no other law requires that a notice of proposed rulemaking and an opportunity for

public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 950

Organization and functions (Government agencies).

Dated: December 17, 2015.

Cherish Johnson,

Chief, Financial Officer (CFO/CAO).

For the reasons set forth above, 15 CFR part 950 is corrected by making the following correcting amendment:

PART 950—ENVIRONMENTAL DATA AND INFORMATION

■ 1. The authority citation for part 950 continues to read as follows:

Authority: (5 U.S.C. 552, 553). Reorganization Plan No. 4 of 1970.

■ 2. Appendix A to part 950 is revised to read as follows:

Appendix A to Part 950—Schedule of User Fees for Access to NOAA Environmental Data

Name of product/Data/Publication/Information/Service	Current fee	New fee
NOAA National Center for Environmental Information:		
Department of Commerce Certification	$86.00	$116.00
General Certification	72.00	92.00
Paper Copy	2.00	3.00
Data Poster	18.00	18.00
Shipping Service	4.00	8.00
Rush Order Fee	60.00	60.00
Super Rush Order Fee	100.00	100.00
Foreign Handling Fee	67.00	43.00
NEXRAD Doppler Radar Color Prints	14.00	21.00
Paper Copy from Electronic Media	6.00	8.00
Offline In-Situ Digital Data	124.00	175.00
Microfilm Copy (roll to paper) per frame from existing film	14.00	20.00
Satellite Image Product	73.00	92.00
Offline Satellite, Radar, and Model Digital Data (average unit size is 1 terabyte)	615.00	753.00
Conventional CD–ROM/DVD	60.00	110.00
Specialized CD–ROM/DVD	131.00	208.00
CD–ROM/DVD Copy, Offline	30.00	43.00
CD–ROM/DVD Copy, Online Store	15.00	16.00
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Order Consultation Fee	2.00	4.00
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World Ocean Database-World Ocean Atlas 2009 DVDs	15.00	(*)
Mini Poster	1.00	2.00
Icosahedron Globe	1.00	1.00
Convert Data to Standard Image	6.00	8.00
Single Orbit OLS & Subset	18.00	19.00
Single Orbit OLS & Subset, Additional Orbits	5.00	6.00
Geolocated Data	47.00	50.00
Subset of Pre-existing Geolocated Data	28.00	32.00
Global Nighttime Lights Annual Composite from One Satellite	74,032.00	74,924.00
Most Recent DMSP–OLS Thermal Band/Cloud Cover Mosaics from Multiple Satellites	259.00	(*)
Daily or Nightly Global Mosaics (visible & thermal band, single spectral band or environmental data)	241.00	332.00
Global Nighttime Lights Lunar Cycle	6,531.00	8,259.00
Radiance Calibrated Global DMSP–OLS Nighttime Lights Annual Composite from One Satellite	82,075.00	(*)
Research Data Series CD–ROM/DVD	25.00	25.00
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NOS Bathymetric Maps and Miscellaneous Archived Publication Inventory	7.00	8.00
Global Annual Composite of Nighttime Lights in Monthly Increments From One Satellite	8,305.00	10,794.00
High Definition Geomagnetic Model	20,060.00	20,262.00
Provision of Global Nighttime VIIRS day/night band data in geotiff format	.....	55,727.00
Provision of Global Nighttime VIIRS day/night band data in HDF5 Format	.....	27,888.00
Provision of regional data from the VIIRS instrument on a daily basis	.....	14,306.00

* Reflects a product no longer offered.

[FR Doc. 2015–32958 Filed 1–8–16; 8:45 a.m.]
BILLING CODE 3510–22–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 200, 280, and 570

[Docket No. FR–5878–F–01]

RIN 2502–AJ31

Federal Housing Administration (FHA): Removal of 24 CFR 280—Nehemiah Housing Opportunity Grants Program

AGENCY: Office of the Deputy Secretary, HUD.

ACTION: Final rule.

SUMMARY: Through this rule, HUD removes the regulations for its Nehemiah Housing Opportunity Grants Program (NHOP). Under NHOP, HUD was authorized to make grants to nonprofit organizations to be used to provide loans to families purchasing homes constructed or substantially renovated in accordance with a HUD-approved program. In 1990, authority for NHOP was repealed by the National Affordable Housing Act. HUD removed obsolete NHOP regulations in 1996 but maintained regulatory provisions deemed necessary for the administration of existing NHOP grants. Currently, HUD administers only one NHOP grant agreement. As a result, HUD has determined that the remaining NHOP regulations are unnecessary. The existing grant and loans made under NHOP will continue to be governed by the regulations that existed immediately before the effective date of this final rule.

DATES: *Effective:* February 10, 2016.

FOR FURTHER INFORMATION CONTACT: Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410; telephone 202–708–1793 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at 800–877–8389 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Established under title VI of the Housing and Community Development Act of 1987 (Pub. L. 100–242, approved February 5, 1988) (12 U.S.C. 17151), NHOP authorized HUD to make grants to nonprofit organizations to enable them to provide loans to families purchasing homes constructed or substantially rehabilitated in accordance with a HUD-approved program. Loans provided under NHOP were required to be secured by a second mortgage on the property involved that was held by HUD but that did not bear interest. On July 13, 1989 (54 FR 22248), HUD published regulations implementing NHOP and codified these regulations in part 280 of title 24 of the Code of Federal Regulations (CFR).

Section 289(a) of the National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990) (42 U.S.C. 12839), however, repealed authority for NHOP. On August 19, 1996 (61 FR 42952), HUD published a final rule removing obsolete sections of 24 CFR part 280, but maintained those provisions deemed necessary to the administration of existing NHOP grants. As of the date of this publication, however, HUD maintains one NHOP grant agreement and has 1,028 active Nehemiah loans. Based on this, HUD has determined that there is no longer a need to maintain 24 CFR part 280. As a result, and consistent with Executive Order 13563, dated January 18, 2011, entitled ''Improving Regulations and Regulatory Review,'' [1] HUD is removing 24 CFR part 280. The existing grant and loans made under NHOP will continue to be governed by the regulations that existed immediately before the effective date of this final rule.

This final rule also removes a cross-reference to 24 CFR part 280 that is codified in HUD's Community Development Block Grant regulations, 24 CFR part 570.

II. Justification for Final Rulemaking

HUD generally publishes a rule for public comment before issuing a final rule for effect, in accordance with HUD's own regulations on rulemaking in 24 CFR part 10. However, part 10 provides for exceptions to the general rule if the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is impracticable, unnecessary, or contrary to the public interest. (See 24 CFR 10.1.)

HUD finds that public notice and comment are not necessary for this rulemaking because the authority to provide assistance under NHOP has been repealed and assistance is no longer being provided under the program. Therefore, the regulations being removed by this final rule are no longer operative. For these reasons, HUD has determined that it is unnecessary to delay the effectiveness of this rule in order to solicit prior public comment.

III. Findings and Certification

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because HUD has determined that good cause exists to issue this rule without prior public comment, this rule is not subject to the requirement to publish an initial or final regulatory flexibility analysis under the RFA as part of such action.

Unfunded Mandates Reform

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) [2] requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any 1year. If a budgetary impact statement is required, section 205 of UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.[3] However, the UMRA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to the Administrative Procedure Act (APA).[4] As discussed above, HUD has determined for good cause that the APA does not require general notice and public comment on this rule and, therefore, the UMRA does not apply to this final rule.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This final rule will not have federalism

[1] Executive Order 13563 was published in the **Federal Register** on January 21, 2011, at 76 FR 3821 and directs that heads of Federal departments and agencies review existing regulations to remove those that are obsolete or no longer necessary.

[2] 2 U.S.C. 1532.

[3] 2 U.S.C. 1534.

[4] 2 U.S.C. 1532(a).

implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive order.

Environmental Review

This final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 280

Community development, Grant programs—housing and community development, Loan programs—housing and community development, Low and moderate income housing, Nonprofit organizations, Reporting and recordkeeping requirements.

24 CFR Part 570

Administrative practice and procedure, American Samoa, Community development block grants, Grant programs-education, Grant programs-housing and community development, Guam, Indians, Loan programs-housing and community development, Low and moderate income housing, Northern Mariana Islands, Pacific Islands Trust Territory, Puerto Rico, Reporting and recordkeeping requirements, Student aid, Virgin Islands.

For the reasons set forth in the preamble, and under the authority of 42 U.S.C. 3535(d), HUD amends 24 CFR parts 200, 280 and 570 as follows:

PART 200—INTRODUCTION TO FHA PROGRAMS

■ 1. The authority citation for part 200 continues to read as follows:

Authority: 12 U.S.C. 1702–1715z–21; 42 U.S.C. 3535(d).

■ 2. Add § 200.1301(h) to read as follows:

§ 200.1301 Expiring programs—Savings clause.

* * * * *

(h) Any existing loan assistance (including recapture of loan assistance), ongoing participation, or insured loans under the program listed in this paragraph will continue to be governed by the regulations in effect as they existed immediately before February 10, 2016 (24 CFR part 280, 2015 Edition):

(1) Part 280, Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation (12 U.S.C. 17151).

(2) [Reserved]

SUBCHAPTER E [REMOVED AND RESERVED]

■ 3. Remove and reserve subchapter E, consisting of part 280.

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

■ 4. The authority citation for part 570 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 5301–5320.

■ 5. In § 570.703, revise paragraph (j) to read as follows:

§ 570.703 Eligible activities.

* * * * *

(j) Construction of housing by non-profit organizations for homeownership under section 17(d) of the United States Housing Act of 1937 (Housing Development Grants Program, 24 CFR part 850).

* * * * *

Dated: December 22, 2015.

Nani A. Coloretti,

Deputy Secretary.

[FR Doc. 2016–00327 Filed 1–8–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–1119]

Drawbridge Operation Regulation; Inner Harbor Navigation Canal, New Orleans, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the US 90 (Danziger) vertical lift span drawbridge across the Inner Harbor Navigation Canal, mile 3.10 at New Orleans, Orleans Parish, Louisiana. The deviation is necessary to conduct field measurements and other preparations for repairs and maintenance that are scheduled for later in the year. This deviation allows the bridge to remain closed-to-navigation for nine days. During this closure, the bridge will open with at least four hours notice except during scheduled curfew times.

DATES: This deviation is effective from 7 p.m. on January 22, 2016, until 7 p.m. on January 31, 2016.

ADDRESSES: The docket for this deviation, [USCG–2015–1119] is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Jim Wetherington, Bridge Administration Branch, Coast Guard, telephone (504) 671–2128, email *james.r.wetherington@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Contractor, C.E.C., Inc., for the Louisiana Department of Transportation and Development (LDOTD), requested a temporary deviation from the operating schedule of the US 90 (Danziger) vertical lift span drawbridge across the Inner Harbor Navigation Canal, mile 3.10 at New Orleans, Orleans Parish, Louisiana. The deviation was requested for the purpose of conducting field measurements and other preparations for repairs and maintenance that are scheduled for later in the year. The vertical clearance of the vertical lift span bridge is 50 feet above mean high water in the closed-to-navigation position and 120 feet in the open-to-navigation position. The bridge is governed by 33 CFR 117.458(b).

This deviation is effective from 7 p.m. on January 22, 2016, until 7 p.m. on January 31, 2016. This deviation allows

the bridge to remain closed-to-navigation daily except that the bridge will open if at least four hours notice is given except Monday through Friday from 7 a.m.-8:30 a.m. and from 5 p.m.-6:30 p.m., daily. During the closure period, the contractor will make every effort to minimize the delays to mariners by opening the bridge with less than four hour notice whenever possible. However, the bridge is not required to open with less than a four-hour notice. Marine traffic, when allowed to pass, should pass at the slowest safe speed.

Navigation on the waterway consists of small tugs with and without tows, commercial vessels, and recreational craft, including sailboats.

Vessels able to pass through the bridge in the closed-to-navigation position may do so at anytime. The bridge will be able to open for emergencies, and there is no immediate alternate route. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 5, 2016.

David M. Frank,

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2016–00268 Filed 1–8–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0710; FRL–9941–04–Region 7]

Approval of Nebraska's Air Quality State Implementation Plan (SIP); Infrastructure SIP Requirements for the 2008 Ozone National Ambient Air Quality Standard in Regards to Section 110(a)(2)(D)(i)(I)—Prongs 1 and 2

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve elements of a State Implementation Plan (SIP) submission from the State of Nebraska addressing the applicable requirements of Clean Air Act (CAA) section 110 for the 2008 National Ambient Air Quality Standards (NAAQS) for Ozone (O_3). CAA section 110 requires that each state adopt and submit a SIP to support implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. Specifically, EPA is approving Nebraska's SIP as it relates to section 110 (a)(2)(D)(i)(I) prongs 1 and 2, for the 2008 O_3 NAAQS.

DATES: This final rule is effective on February 10, 2016.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2015–0710. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically at *www.regulations.gov* and at EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219. Please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section. For additional information and general guidance, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Crable, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551–7391; *email address: crable.gregory@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, the terms ''we,'' ''us,'' or ''our'' refer to EPA. This section provides additional information by addressing the following:

I. Background

On November 16, 2015 (80 FR 70721), EPA published a notice of proposed rulemaking (NPR) for the State of Nebraska. The NPR proposed approval of Nebraska's submission that provides the basic elements specified in section 110(a)(2) of the CAA, or portions thereof, necessary to implement, maintain, and enforce the 2008 O_3 NAAQS. Specifically, the NPR proposed approval of section 110 (a)(2)(D)(i)(I) prongs 1 and 2, for the 2008 O_3 NAAQS.

II. Summary of SIP Revision

On February 11, 2013, EPA received a SIP submission from the state of Nebraska that addressed the infrastructure elements specified in section 110(a)(2) for the 2008 O_3 NAAQS. On September 15, 2015 (80 FR 55266) EPA approved the following infrastructure elements, or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(II) (prong 3), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) which are necessary to implement, maintain, and enforce the 2008 O_3 NAAQS, as a revision to the Nebraska SIP, and disapproved section 110(a)(2)(D)(i)(II)- prong 4, as it relates to the protection of visibility. At that time, EPA did not take action on section 110(a)(2)(D)(i)(I)- prongs 1 and 2. Specific requirements of section 110(a)(2)(D)(i)(I)- prongs 1 and 2 of the CAA and the rationale for EPA's proposed action to approve these specific provisions of the SIP submission, not previously acted on, is explained in the NPR and will not be restated here. The public comment period for the notice of proposed rulemaking (NPR) closed on December 16, 2015. EPA received no comments on the NPR.

III. Final Action

EPA is approving Nebraska's February 11, 2013, submission addressing the requirements of the CAA sections 110(a)(1) and (2) as applicable to the 2008 O_3 NAAQS. Specifically, EPA approves section 110(a)(2)(D)(i)(I)—prongs 1 and 2, which are necessary to implement, maintain, and enforce the 2008 O_3 NAAQS, as a revision to the Nebraska SIP. As EPA noted in the NPR, this final action fulfills EPA's commitment to take final action as to Nebraska's SIP submission addressing 110(a)(2)(D)(i)(I), as set forth by the court in *Sierra Club* v. *McCarthy,* 4:14–cv–05091–YGR (N.D. Cal. May 15, 2015).

IV. Statutory and Executive Order Review

Under the CAA the Administrator is required to approve a SIP submission

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 11, 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, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: December 22, 2015.

Mark Hague,

Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

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 CC—Nebraska

■ 2. In § 52.1420(e), the table is amended by adding entry (31) to read as follows:

§ 52.1420 Identification of Plan.

* * * * *

(e) * * *

EPA—APPROVED NEBRASKA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic area or nonattainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
(31) Section 110(a)(2) Infrastructure Requirements for the 2008 O_3 NAAQS.	Statewide	2/11/13	1/11/2016 [*Insert* **Federal Register** *citation*].	[EPA–R07–OAR–2015–0710; 9941–04–Region 7] This action addresses the following CAA elements: 110(a)(2)(D)(i) (I)—Prongs 1 and 2.

[FR Doc. 2015–33301 Filed 1–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2012–0079; FRL–9940–89–Region 4]

Air Plan Approval; Alabama: Nonattainment New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve portions of a revision to the Alabama State Implementation Plan (SIP) submitted by the Alabama Department of Environmental Management (ADEM) to EPA on May 2, 2011. The SIP revision modifies Alabama's nonattainment new source review (NNSR) regulations in their entirety to be consistent with the federal new source review (NSR) regulations for the implementation of the criteria pollutant national ambient air quality standards (NAAQS). EPA is approving portions of the NNSR rule changes in Alabama's May 2, 2011, SIP revision because the Agency has determined that the changes are consistent with the Clean Air Act (CAA or Act) and federal regulations regarding NNSR permitting.

DATES: This rule will be effective February 10, 2016.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2012–0079. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: For information regarding the Alabama SIP, contact Mr. D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Akers can be reached by telephone at (404) 562–9089 or via electronic mail at *akers.brad@epa.gov*. For information regarding NSR, contact Ms. Yolanda Adams, Air Permits Section, at the same address above. Telephone number: (404) 562–9214; email address: *adams.yolanda@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

EPA is taking final action to approve the portion of Alabama's May 2, 2011, SIP revision that makes changes to Alabama's NNSR program, set forth at ADEM Administrative Code, Division 3, Chapter 14, Subchapter .05 (ADEM Rule 335–3–14–.05), which applies to the construction and modification of any major stationary source in or near a nonattainment area (NAA) as required by part D of title I of the CAA. Alabama's NNSR regulations at ADEM Rule 335–3–14–.05 were originally approved into the SIP on November 26, 1979 (*see* 44 FR 67375), with periodic revisions approved through December 8, 2000 (*see* 65 FR 76938). Alabama's May 2, 2011, SIP revision modifies the State's NNSR regulations in their entirety [1] with a new version that reflects changes to the federal NNSR regulations at 40 Code of Federal Regulations (CFR) 51.165,[2] including provisions promulgated in the following federal rules: (1) ''Requirements for Preparation, Adoption and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans; Standards of Performance for New Stationary Sources,'' Final Rule, 57 FR 32314 (July 21, 1992) (hereafter referred to as the Wisconsin Electric Power Company (WEPCO) Rule); (2) ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects,'' Final Rule, 67 FR 80186 (December 31, 2002) (hereafter referred to as the NSR Reform Rule); (3) ''Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration,'' Final Rule, 68 FR 63021 (November 7, 2003) (hereafter referred to as the Reconsideration Rule); (4) ''Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Removal of Vacated Elements,'' Final Rule, 72 FR 32526 (June 13, 2007) (hereafter referred to as the Vacated Elements Rule); (4) ''Prevention of Significant Deterioration and Nonattainment New Source Review: Reasonable Possibility in Recordkeeping,'' Final Rule, 72 FR 72607 (December 21, 2007), (hereafter referred to as the Reasonable Possibility Rule); (5) ''Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 2; Final Rule To Implement Certain Aspects of the 1990 Amendments Relating to New Source Review and Prevention of Significant Deterioration as They Apply in Carbon Monoxide, Particulate Matter and Ozone NAAQS; Final Rule for Reformulated Gasoline,'' Final Rule, 70 FR 71612 (November 29, 2005) (hereafter referred to as the Phase 2 Rule); (6) ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$),'' Final Rule, 73 FR 28321 (May 16, 2008) (hereafter referred to as the NSR $PM_{2.5}$ Rule); (7) ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC),'' Final Rule, 75 FR 64864 (October 20, 2010) (hereafter referred to as the $PM_{2.5}$ PSD Increments-SILs-SMC Rule [3]); and (8) ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Interim Rule; Stay and Revisions'', Interim Rule, 76 FR 17548 (March 30, 2011) (hereafter referred to as the Fugitive Emissions Interim Rule).

[1] Some portions of the 2011 version of the regulations now being approved were previously approved by EPA. These portions remain the same in substance but may have undergone administrative updates and renumbering in the 2011 version.

[2] EPA's regulations governing the implementation of NSR permitting programs are contained in 40 CFR 51.160–51.166; 52.21, 52.24; and part 51, appendix S. The CAA NSR program is composed of three separate programs: PSD, NNSR, and Minor NSR. PSD is established in part C of title I of the CAA and applies in areas that meet the NAAQS—''attainment areas''—as well as areas where there is insufficient information to determine if the area meets the NAAQS—''unclassifiable areas.'' The NNSR program is established in part D of title I of the CAA and applies in areas that are not in attainment of the NAAQS—''nonattainment areas.'' The Minor NSR program addresses construction or modification activities that do not qualify as ''major'' and applies regardless of the designation of the area in which a source is located. Together, these programs are referred to as the NSR programs.

[3] The D.C. Circuit vacated the portions of the $PM_{2.5}$ PSD Increment-SILs-SMC Rule addressing the SMC and SILs (and remanded the SILs portion to EPA for further consideration) for PSD, but left the $PM_{2.5}$ SILs in place for the NSR program in the table in § 51.165(b)(2). *See Sierra Club* v. *EPA,* 705 F.3d 458 (D.C. Cir. 2013).

EPA is not, however, approving into the Alabama SIP the portion of ADEM Rule 335–3–14–.05(1)(k) stating ''excluding ethanol production facilities that produce ethanol by natural fermentation,'' which Alabama promulgated pursuant to the federal rule entitled ''Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Certain Ethanol Production Facilities Under the 'Major Emitting Facility' Definition,'' Final Rule, 72 FR 24060 (May 1, 2007) (or the Ethanol Rule).[4] EPA is also not acting on the provision at Rule 335–3–14–.05(2)(c)3 that excludes fugitive emissions from the determinion of creditable emission increases and decreases.[5] Finally, EPA is not acting on changes to ADEM's rules regarding the $PM_{2.5}$ significant impact levels (SILs) for PSD at Rule 335–3–14–.04(8)(h)1., the NNSR interpollutant offset ratios at ADEM Rule 335–3–14–.05(3)(g)1–4 and the sentence including those ratios which states ''Interpollutant offsets shall be determined based upon the following ratios,'' or the ''actual-to-potential'' NNSR applicability test at ADEM Rule 335–3–14–.05(1)(h), all of which ADEM withdrew from EPA's consideration subsequent to the May 2, 2011 submittal.[6]

On September 1, 2015, EPA published a proposed rulemaking to approve the aforementioned changes to the Alabama NNSR program at ADEM Rule 335–3–14–.05. *See* 80 FR 52701. Comments on the proposed rulemaking were due on or before October 1, 2015. No comments, adverse or otherwise, were received on EPA's September 1, 2015, proposed rulemaking. Pursuant to section 110 of the CAA, EPA is now taking final action to approve the changes to Alabama's NNSR program as provided in the September 1, 2015, proposed rulemaking. The proposed rulemaking contains more detailed information regarding Alabama's SIP revision being approved today, and the rationale for this final action. More detailed information on the NNSR program can be found in the September 1, 2015, proposed rulemaking as well as the aforementioned final rulemakings.

II. This Action

Alabama currently has a SIP-approved NSR program for new and modified stationary sources found in ADEM regulations at Chapter 335–3–14. ADEM's NNSR preconstruction regulations are found at Chapter 335–3–14–.05 and apply to major stationary sources or modifications constructed in or impacting upon a nonattainment area as required under part D of title I of the CAA with respect to the NAAQS. The changes to Chapter 335–3–14–.05 that EPA is now approving into the SIP were provided to update the existing provisions to be consistent with the current federal NNSR rules, including the WEPCO Rule, 2002 NSR Reform Rule (and associated Reconsideration Rule and Vacated Elements Rule), Phase 2 Rule, NSR $PM_{2.5}$ Rule, $PM_{2.5}$ PSD-Increment-SILs-SMC Rule, and Fugitive Emissions Interim Rule. These changes to ADEM's regulations became state effective on May 23, 2011.

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of portions of ADEM Regulation Chapter 335–3–14–.05 entitled ''Air Permits Authorizing Construction in or Near Non-Attainment Areas,'' effective May 23, 2011, with revisions and additions to applicability, definitions, permitting requirements, offset rules, area classifications, air quality models, control technology review, air quality monitoring, source information, source obligation, innovative control technology, and actuals plantwide applicability limits, and with administrative changes throughout. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the EPA Region 4 office (see the **ADDRESSES** section of this preamble for more information).

IV. Final Action

EPA is taking final action to approve the portions of Alabama's May 2, 2011, submission that make changes to Alabama's SIP-approved NNSR regulations set forth at ADEM Rule 335–3–14–.05, with the exceptions noted above. ADEM submitted the proposed changes to its NNSR SIP to be consistent with amendments to the federal regulations made by the WEPCO Rule, the 2002 NSR Reform Rule (and associated Reconsideration Rule and Vacated Elements Rule), Phase 2 Rule, NSR $PM_{2.5}$ Rule, $PM_{2.5}$ PSD Increment-SILs-SMC Rule, and the Fugitive Emissions Interim Rule. The Agency is approving these changes to the Alabama SIP because they are consistent with section 110 of the CAA and EPA regulations.

V. Statutory and Executive Order Reviews

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

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

[4] Alabama's changes to its NNSR regulations (at 335–3–14–.05(1)(k)) exclude ''chemical process plants'' that produce ethanol through a natural fermentation process from the NSR major source permitting requirement as promulgated in the Ethanol Rule (as amended at 40 CFR 51.165). *See* 72 FR 24060 (May 1, 2007). However, due to a petition by Natural Resources Defense Council to reconsider the rule, EPA is not proposing to take action to approve this provision into the Alabama SIP at this time. Pending final resolution, EPA will make a final determination on action regarding this portion of Alabama's SIP revision.

[5] The provision in question was originally approved into the CFR in the December 19, 2008 (73 FR 77882) final rule concerning the treatment of fugitive emissions for the purposes of NSR applicability. On April 24, 2009, EPA agreed to reconsider the approach to handling fugitive emissions and granted a 3-month administrative stay of the December 19, 2008 rule. After several stays, this provision was stayed indefinitely in the March 30, 2011 (76 FR 17548) Fugitive Emissions Interim Rule, pending a final reconsideration from EPA. For more information on fugitive emissions in NSR, see the September 1, 2015 proposed rulemaking (80 FR 52701) or refer to the Docket for this rulemaking.

[6] For more information on the withdrawal of these elements from the initial May 2, 2011, submittal, see the September 1, 2015, proposed rulemaking (80 FR 52701) or refer to the Docket for this rulemaking.

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

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

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

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 11, 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, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 18, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart B—Alabama

■ 2. Section 52.50(c) is amended under Chapter 335–3–14 by revising the entry for ''Section 335–3–14–.05'' to read as follows:

§ 52.50 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ALABAMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Chapter No. 335–3–14 Air Permits				
*	*	*	*	*
Section 335–3–14–.05 ...	Air Permits Authorizing Construction in or Near Nonattainment Areas.	5/23/2011	1/11/2016 [Insert citation of publication].	With the exception of: The portion of 335–3–14–.05(1)(k) stating ''excluding ethanol production facilities that produce ethanol by natural fermentation''; and 335–3–14–.05(2)(c)3 (addressing fugitive emission increases and decreases). Also with the exception of the state-withdrawn elements: 335–3–14–.05(1)(h) (the actual-to-potential test for projects that only involve existing emissions units); the last sentence at 335–3–14–.05(3)(g), stating ''Interpollutant offsets shall be determined based upon the following ratios''; and the NNSR interpollutant ratios at 335–3–14–.05(3)(g)1–4.
*	*	*	*	*

* * * * *

[FR Doc. 2015–33197 Filed 1–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2013–0388; FRL–9940–86–Region 6]

Approval and Promulgation of Implementation Plans; Infrastructure and Interstate Transport State Implementation Plan for the 2010 Sulfur Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of a State Implementation Plan (SIP) submission from the State of Texas for the Sulfur Dioxide (SO_2) National Ambient Air Quality Standards (NAAQS). The submittal addresses how the existing SIP provides for implementation, maintenance, and enforcement of the 2010 SO_2 NAAQS (infrastructure SIP or i-SIP). This i-SIP ensures that the State's SIP is adequate to meet the state's responsibilities under the Federal Clean Air Act (CAA).

DATES: This final rule is effective on February 10, 2016.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2013–0388. 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 or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Nevine Salem, 214–665–7222, *salem.nevine@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

The background for this action is discussed in detail in our October 6, 2015 proposal (80 FR 60314). In that document, we proposed to approve portions of the SIP submittal from the State of Texas adopted on April 23, 2013, and submitted on May 6, 2013. The submittal addresses how the existing SIP provides for implementation, maintenance, and enforcement of the 2010 SO_2 NAAQS. This i-SIP ensures that the State's SIP is adequate to meet the state's responsibilities under the CAA. We did not receive any comments regarding our proposal.

II. Final Action

EPA is approving portions of the May 6, 2013, infrastructure SIP submission from Texas, which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2010 SO_2 NAAQS. Specifically, EPA is approving the following infrastructure elements, or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(II) (PSD portion), D(ii), (E), (F), (G), (H), (J), (K), (L), and (M). EPA is not taking action on: The portion pertaining to section 110(a)(2)(D)(i)(I), which concerns interstate pollution transport affecting attainment and maintenance of the NAAQS and the portion pertaining to section 110(a)(2)(D)(i)(II) pertaining to visibility protection.

III. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 11, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposed of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: December 23, 2015.

Samuel Coleman,

Acting Regional Administrator, Region 6.

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 SS—Texas

■ 2. In § 52.2270(e), the second table titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP'' is amended by adding an entry at the end for ''Infrastructure and Transport SIP Revision for the 2010 SO_2 NAAQS'' to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Comments
*	*	*	*	*
Infrastructure and Transport SIP Revision for the 2010 SO_2 NAAQS.	Statewide	5/6/2013	1/11/2016 [Insert **Federal Register** citation].	Approval for CAA elements 110(a)(2)(A), (B), (C), (D)(i)(II) (PSD portion), D(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[FR Doc. 2015–33180 Filed 1–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0813; FRL–9940–93–Region 10]

Approval and Promulgation of Implementation Plans; Washington; Removal of Obsolete Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to remove outdated rules in the Code of Federal Regulations (CFR) for the State of Washington because they are unnecessary or obsolete. The EPA is also clarifying regulations to reflect updated citations and more recent air quality monitoring data. This direct final action makes no substantive changes to the State Implementation Plan (SIP) and imposes no new requirements.

DATES: This rule is effective on March 11, 2016, without further notice, unless the EPA receives adverse comment by February 10, 2016. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0813, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, EPA Region 10, (206) 553–0256, *hunt.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' are used, it is intended to refer to the EPA.

I. Introduction

This action is being taken pursuant to Executive Order 13563—*Improving Regulation and Regulatory Review.* It is intended to reduce the number of pages in the CFR by identifying those rules in 40 CFR part 52, subpart WW, for the State of Washington that are duplicative, outdated, or obsolete. These rules no longer have any use or legal effect because they have been superseded by subsequently approved SIP revisions. This action also amends certain rules by revising outdated citations and updating provisions based on more recent ambient air quality monitoring data. One aspect of the EPA's action removes historical information found in the ''Original Identification of plan'' section in 40 CFR 52.2477. This section is no longer necessary because the EPA promulgated administrative rule actions to replace these paragraphs with summary tables in 40 CFR 52.2470 (78 FR 17108, March 20, 2013). These summary tables describe the regulations, source-specific actions, and non-regulatory requirements which comprise the SIP.

II. Removal of Obsolete or Unnecessary Rules and Clarifications to Certain Rules

The EPA reviewed the following regulations and found that they should be removed or revised for the reasons set forth as follows:

A. Section 52.2471 Classification of Regions

In a submission received on September 22, 2014, included in the docket for this action, the Washington Department of Ecology (Ecology) reviewed air quality monitoring data for nitrogen dioxide (NO_2) and ozone with respect to classifying regions under 40 CFR 51.150. That section classifies regions based on air quality information for purposes of establishing requirements for emergency episode plans. The air quality information in 40 CFR 52.2471 regarding classification of regions in the State of Washington was last updated by the EPA on June 5, 1980 (45 FR 37836). Ecology confirmed that the classifications in § 52.2471 remain correct for NO_2 based on 2012–2014 monitoring data. Ecology also confirmed that the classifications for ozone remain correct for all Air Quality Control Regions in Washington, except one. Based on a review of 2012–2014 data, Ecology noted that the classification for the Washington portion of the Portland Interstate Air Quality Control Region is out of date. The EPA reviewed the 2012–2014 data used by Ecology, as well as more recent 2013–2015 data included in the docket for this action. We agree with Ecology's analysis that the Washington portion of the Portland Interstate Air Quality Control Region should be reclassified to Priority III based on more recent air quality monitoring data. The reclassification of the Washington portion of the Portland Interstate Air Quality Control Region from Priority I to Priority III will have no significant impact on the SIP because the current emergency episode plan covers the entire state and remains unchanged in the SIP since the EPA's last approval (58 FR 4578, January 15, 1993).

The EPA also reviewed air quality monitoring data for carbon monoxide. Concentrations of carbon monoxide in ambient air have plummeted in the thirty-five years since the EPA's last update to the classifications in § 52.2471, primarily due to improved Federal engine standards for motor vehicles. The highest 8-hour concentration observed at all monitors in Washington from 2013–2015 was 2.4 parts per million (ppm), which is well below the 8-hour carbon monoxide National Ambient Air Quality Standard (NAAQS) of 9 ppm and well below the Priority I classification level of 12 ppm. Similarly, the highest 1-hour concentration observed at all monitors in Washington from 2013–2015 was 4 ppm, which is well below the 1-hour carbon monoxide NAAQS of 35 ppm and well below the Priority I classification level of 48 ppm. The EPA is therefore reclassifying all carbon monoxide areas in Washington as Priority III, the lowest classification level. As discussed above, this update to the classification levels will have no significant impact on the SIP because the current emergency episode plan covering the entire state remains unchanged in the SIP since the EPA's last approval. At this time, we are not assessing the classification levels for other pollutants (particulate matter and sulfur dioxide) because the data analysis required to do so, including consideration of any potential exceptional events, is beyond the scope of this action.

B. Section 52.2472 Extensions

This section extended the attainment date for the Spokane and Wallula particulate matter (PM_{10}) nonattainment areas until December 31, 1995 (60 FR 47280, September 12, 1995). In subsequent actions, the EPA redesignated both of these areas to attainment of the PM_{10} NAAQS (70 FR 38029, July 1, 2005 and 70 FR 50212, August 26, 2005), making this section obsolete. The EPA is therefore removing this section.

C. Section 52.2473 Approval Status

This section, last updated February 23, 1982 (47 FR 7840), is out of date. The second sentence addresses the geographic applicability of the regulations in the Washington SIP. Applicability is now addressed in the tables in § 52.2470, and this sentence is out of date and is being removed (see 79 FR 59653, October 3, 2014). The fourth sentence describes ozone-related reasonably available control technology (RACT) requirements under the 1977 Clean Air Act (CAA). This sentence is being removed because the EPA subsequently approved Washington SIP revisions for the ozone NAAQS under the requirements of the 1990 CAA (see 40 CFR 52.2470(c) and (e)). Similarly, the fifth sentence in this section is also out of date and is being removed. It describes the requirements of the emission offset interpretive rule as it applies to permitting new sources in a nonattainment area, published January 16, 1979 (44 FR 3274). This concern became obsolete when the EPA approved Washington Administrative Code (WAC) 173–400–091 ''Voluntary limits on emissions'' and WAC 173–400–112 ''Requirements for new sources in nonattainment areas'' (60 FR 28726, June 2, 1995). More recently, the EPA approved updates to Washington's nonattainment new source review permitting program as meeting all CAA requirements on November 7, 2014 (79 FR 59653).

D. Section 52.2474 General Requirements

This section, addressing public availability of emission data, is out of date (40 FR 55334, November 28, 1975), and is being removed. On October 3, 2014, the EPA approved WAC 173–400–175 ''Public Information'' as meeting the requirements of the CAA, including making ambient air quality data and emission data available to the public (79 FR 59653). For a full discussion, please see the proposed approval of WAC 173–400–175 (79 FR 39351, 39357, July 10, 2014).

E. Section 52.2475 Approval of Plans

This section is no longer necessary because the EPA replaced the historical information contained in this section with summary tables in § 52.2470 (78 FR 17108, March 20, 2013). These summary tables describe the regulations, source-specific actions, and non-regulatory requirements which comprise the SIP, including a history of attainment plan and visibility protection SIP submittals. The EPA reviewed § 52.2475 to verify that all relevant historical information in this section is contained in § 52.2470. The EPA is therefore removing § 52.2475.

F. Section 52.2477 Original Identification of Plan Section

Paragraphs (b) and (c) of § 52.2477, originally designated as 40 CFR 52.2470(b) and (c), contain historical information about the EPA's approval actions for the Washington SIP which occurred from January 28, 1972 until March 20, 2013. On March 20, 2013, the EPA reorganized the Identification of plan section (§ 52.2470) for subpart WW by listing and summarizing Washington's currently approved SIP requirements in § 52.2470(a) through (e) (78 FR 17110). Paragraphs (b) and (c) of § 52.2477 are being removed because the EPA has determined that it is no longer necessary to codify the information found in these paragraphs. Paragraph (a) of § 52.2477 is being amended to state that this historical information will continue to be made available in the CFR annual editions, title 40, part 52 (years 1996 through 2012). These annual editions are available on line at the following url address: *http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR.*

G. Section 52.2495 Voluntary Limits on Potential To Emit

This section discusses the mechanisms for issuance of voluntary limits on potential to emit in Washington. In 1995, the EPA approved this regulation (with a state effective date of September 20, 1993) as meeting the requirements for Federally-enforceable state operating permit programs set forth in 54 FR 27274 (June 28, 1989), with respect to criteria pollutants and pollutants regulated under the PSD program under section 110 of the CAA (as part of the SIP) and with respect to hazardous air pollutants under section 112(l) of the CAA (as part of Ecology's CAA section 112 program and not as part of the SIP). See 60 FR 9805 (proposed action); 60 FR 28726 (final action). Subsequent to that approval, Ecology made minor changes to WAC 173–400–091. The EPA approved these minor changes to the Washington SIP in 2014 with respect to criteria pollutants and pollutants regulated under the PSD program (referred to as ''regulated NSR pollutants''). See 79 FR 39351, 39354 (July 10, 2014) (proposed action); 79 FR 59653 (final action). The 1993 version of WAC 173–400–091 continues to be the approved version for purposes of section 112(l). The EPA is amending § 52.2495 to make it clear that WAC 173–400–091 remains approved under both sections 110 and 112(l) of the CAA, and that the SIP-approved version is identified in § 52.2470(c). The EPA is also deleting the reference in § 52.2495 to 40 CFR 51.104(e) because that paragraph has been repealed.

III. Final Action

The EPA has determined that the above referenced rules should be removed or revised at this time. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, the EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on March 11, 2016 without further notice unless the EPA receives adverse comment by February 10, 2016. If the EPA receives adverse comment, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. The EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if the EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Orders Reviews

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

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

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 11, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the

proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: December 21, 2015.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

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. Section 52.2471 is revised to read as follows:

§ 52.2471 Classification of regions.

The Washington plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Eastern Washington-Northern Idaho Interstate	I	IA	III	III	III
Northern Washington Intrastate	II	III	III	III	III
Olympic-Northwest Washington Intrastate	II	II	III	III	III
Portland Interstate	I	IA	III	III	III
Puget Sound Intrastate	I	IA	III	III	I
South Central Washington Intrastate	I	III	III	III	III

§ 52.2472 [Removed and Reserved]

■ 3. Section 52.2472 is removed and reserved.

■ 4. Section 52.2473 is revised to read as follows:

§ 52.2473 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Washington's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of part D, title 1, of the Clean Air Act.

§§ 52.2474 and 52.2475 [Removed and Reserved]

■ 4. Sections 52.2474 and 52.2475 are removed and reserved

■ 5. Section 52.2477 is revised to read as follows:

§ 52.2477 Original identification of plan section.

(a) This section identified the original ''Air Implementation Plan for the State of Washington'' and all revisions submitted by Washington that were Federally approved prior to March 20, 2013. The information in this section is available in the 40 CFR, part 52, Volume 3 of 3 (§§ 52.2020 to End) edition revised as of July 1, 2012.

(b) [Reserved]

(c) [Reserved]

■ 6. Section 52.2495 is revised to read as follows:

§ 52.2495 Voluntary limits on potential to emit.

(a) Terms and conditions of regulatory orders covering regulated NSR pollutants (as defined in 40 CFR 52.21(b)), issued pursuant to WAC 173–400–091 ''Voluntary limits on emissions'' and in accordance with the provisions of WAC 173–400–091, WAC 173–400–105 ''Records, monitoring, and reporting,'' and WAC 173–400–171 ''Public involvement,'' shall be applicable requirements of the Federally-approved Washington SIP for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by any person in the same manner as other requirements of the SIP. Such regulatory orders issued pursuant to WAC 173–400–091 are part of the Washington SIP and shall be submitted to EPA Region 10 in accordance with the requirements of 40 CFR 51.326. The EPA-approved provisions of the WAC are identified in 40 CFR 52.2470(c).

(b) Terms and conditions of regulatory orders covering hazardous air pollutants (as defined in 40 CFR 63.2), issued pursuant to WAC 173–400–091 ''Voluntary limits on emissions,'' as in effect on September 20, 1993, and in accordance with the provisions of WAC 173–400–091, WAC 173–400–105 ''Records, monitoring, and reporting,'' and WAC 173–400–171 ''Public involvement,'' shall be applicable requirements of the Federally-approved Washington section 112(l) program for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by any person in the same manner as other requirements of section 112.

[FR Doc. 2015–33177 Filed 1–8–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[WC Docket No. 13–97, 04–36, 07–243, 10–90 and CC Docket No. 95–116, 01–92, and 99–200; FCC 15–70]

Numbering Policies for Modern Communications, IP-Enabled Services, Telephone Number Requirements for IP-Enabled, Services Providers, Telephone Number Portability et al.

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction

SUMMARY: The Commission published in the **Federal Register** of October 29, 2015, a document concerning an (*Order*) establishing an authorization process to enable interconnected VoIP providers that choose direct access to request numbers directly from the Numbering Administrators. Next, this document sets forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system. Finally, this document 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. These relatively modest steps will have lasting, positive impacts for consumers and the communications industry as we continue to undergo technology transitions.

DATES: Effective January 11, 2016,

FOR FURTHER INFORMATION CONTACT: Marilyn Jones, Wireline Competition Bureau, Competition Policy Division,

(202) 418–1580, or send an email to *marilyn.jones@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Commission published a document in the **Federal Register** of October 29, 2015, (80 FR 66454), amending § 52.5 of the Commission's rules.

In Final rule FR Doc. 2015–20900 published on October 29, 2015, (80 FR 66477), make the following correction. On page 66477, in the third column, paragraph 2 in § 52.5, remove the title ''Central office code administration'' and revise it to read ''Definitions''.

Federal Communications Commission.

Sheryl Todd,

Deputy Secretary.

[FR Doc. 2016–00211 Filed 1–8–16; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 81, No. 6
Monday, January 11, 2016

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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0813: FRL–9940–92–Region 10]

Approval and Promulgation of Implementation Plans; Washington; Removal of Obsolete Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to remove outdated rules in the Code of Federal Regulations (CFR) for the State of Washington because they are unnecessary or obsolete. The EPA is also proposing to clarify regulations to reflect updated citations and more recent air quality monitoring data. These proposed actions make no substantive changes to the State Implementation Plan (SIP) and impose no new requirements. In the Final Rules section of this **Federal Register**, the EPA is approving these determinations as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received on or before February 10, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0813, at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, EPA Region 10, (206) 553–0256, *hunt.jeff@epa.gov*.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register**. Please note that if the EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: December 21, 2015.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2015–33176 Filed 1–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2015–0539; FR–9940–85–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Prevention of Significant Deterioration and Approval of Infrastructure State Implementation Plans for Specific National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the West Virginia Department of Environmental Protection (WVDEP) for the State of West Virginia on June 3, 2015.

This revision pertains to West Virginia's Prevention of Significant Deterioration (PSD) permit program regulations for preconstruction permitting requirements for major sources. The revision includes a change in West Virginia's PSD regulations related to emissions of fine particulate matter ($PM_{2.5}$). The State's June 3, 2015 submittal satisfies its obligations pursuant to an earlier rulemaking in which EPA granted final conditional approval of West Virginia's PSD implementing regulations. This action also addresses specific infrastructure program elements specified in Clean Air Act (CAA) section 110(a)(2) necessary to implement, maintain, and enforce the national ambient air quality standards (NAAQS). This action is being taken under the CAA.

DATES: Written comments must be received on or before February 10, 2016.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2015–0539 by one of the following methods:

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

B. *Email: campbell.dave@epa.gov.*

C. *Mail:* EPA–R03–OAR–2015–0539, Amy Johansen, Acting Associate Director, Office of Permits and State Programs, Mailcode 3AP10, U.S. Environmental Protection Agency,

Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2015–0539. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittals are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Wentworth, (215) 814–2183, or by email at *Wentworth.paul@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The WVDEP submitted a SIP revision to EPA on June 3, 2015. This SIP revision request, if approved, would revise West Virginia's currently-approved PSD program by amending Series 14 under Title 45 of West Virginia Code of State Rules (45CSR14). West Virginia is amending 45CSR14 in response to changes EPA made to the NAAQS for $PM_{2.5}$ that affect certain aspects of the PSD program requirements.

On May 16, 2008, EPA promulgated a rule to implement the 1997 $PM_{2.5}$ NAAQS, including changes to the New Source Review (NSR) program (the 2008 NSR $PM_{2.5}$ Rule). *See* 73 FR 28321. The 2008 NSR $PM_{2.5}$ Rule revised the NSR program requirements to establish the framework for implementing preconstruction permit review for the $PM_{2.5}$ NAAQS in both attainment and nonattainment areas.[1] The 2008 NSR $PM_{2.5}$ rule: (1) Required NSR permits to address directly emitted $PM_{2.5}$ and precursor pollutants; (2) established significant emission rates for direct $PM_{2.5}$ and precursor pollutants (sulfur dioxide (SO_2) and oxides of nitrogen (NO_X)); (3) required states to account for gases that condense to form particles (condensables) in $PM_{2.5}$ emission limits; and (4) established certain PSD program requirements. EPA's NSR requirements specific to $PM_{2.5}$ have been subject to litigation in the United States Court of Appeal for the D.C. Circuit and to some subsequent revisions by EPA. For a detailed discussion of the NSR requirements for $PM_{2.5}$ as relevant to this rulemaking for West Virginia's PSD provisions, see EPA's analysis and discussion in *Technical Support Document; State of West Virginia, West Virginia Department of Environmental Protection; Division of Air Quality; Prevention of Significant Deterioration (PSD) SIP Revision Request* (the WV PSD TSD) which is included in the docket for this proposed action (EPA–R03–OAR–2015–0539) and is available online at *www.regulations.gov.*

In an earlier rulemaking action, EPA granted final condition approval of revisions to 45CSR14 made by West Virginia to address requirements of the CAA, 40 CFR 51.166 and the 2008 NSR $PM_{2.5}$ Rule. *See* 80 FR 36483 (June 25, 2015). EPA's conditional approval was based upon West Virginia's commitment to include in its PSD regulations at 45CSR14 a significant monitoring concentration (SMC) of zero micrograms per cubic meter for $PM_{2.5}$ to be consistent with federal PSD requirements. *Id.* EPA provided a detailed discussion of the changes West Virginia made to its PSD regulations in 45CSR14 to be consistent with the federal PSD program at 40 CFR 51.166 and the 2008 NSR $PM_{2.5}$ Rule in our proposed conditional approval of West Virginia's June 6, 2012 and July 1, 2014 SIP submissions (the 2012 and 2014 submissions) which contained several revisions to 45 CSR14. *See* 80 FR 16612 (March 30, 2015). West Virginia's June 3, 2015 SIP submittal that is the subject of this action includes an amended 45CSR14 for West Virginia's PSD program that was revised to include the $PM_{2.5}$ SMC at zero micrograms per cubic meter and to address the deficiency noted in EPA's proposed conditional approval of 45CSR14. *Id.* With its June 3, 2015 submittal, West Virginia has made all of the changes to its PSD implementing regulations necessary to address $PM_{2.5}$ as prescribed by the CAA, 40 CFR 51.166, and the 2008 NSR $PM_{2.5}$ Rule.

In this action, EPA is also proposing to approve several of West Virginia's infrastructure SIPs as meeting PSD elements of section 110(a)(2) of the CAA for the 1997 ozone and $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, the 2008 lead and ozone NAAQS, and the 2010 nitrogen dioxide (NO_2) and SO_2 NAAQS.

II. Summary of SIP Revision and EPA Analysis

A. Summary of SIP Revision

The SIP revision submitted by WVDEP on June 3, 2015 pertains to revisions to its PSD permit program regulations at 45CSR14–16.7.c that establish a SMC value of zero micrograms per cubic meter for $PM_{2.5}$.

B. EPA Analysis

EPA finds the revisions to 45CSR14 contained in the June 3, 2015 submittal are consistent with the federal PSD program in the CAA and in 40 CFR 51.166(i)(5)(i)(*c*) pertaining specifically to the SMC for $PM_{2.5}$. The WV PSD TSD contains EPA's detailed discussion and analysis of the June 3, 2015 submittal and how it meets requirements for a $PM_{2.5}$ SMC specifically and the requirements of 40 CFR 51.166 and the 2008 NSR $PM_{2.5}$ Rule in general. The WV PSD TSD is included in the docket

[1] The PSD permitting program is the NSR permit program in areas attaining a particular NAAQS.

for this proposed action (EPA–R03–OAR–2015–0539) and is available online at *www.regulations.gov.*

Because this submission fulfills the commitment made by West Virginia in the final conditional approval of West Virginia's earlier submittals of revisions to 45CSR14 (*i.e.,* the 2012 and 2014 submissions), EPA proposes full approval of West Virginia's PSD regulations at 45CSR14 in its entirety as 45CSR14 meets requirements in the CAA and its implementing regulations and proposes to remove the prior conditional approval. *See* 80 FR 36483 (final conditional approval of the 2012 and 2014 submissions of revisions to 45CSR14).

Similarly, because West Virginia's regulations at 45CSR14 fully meet the federal requirements for PSD in the CAA and in 40 CFR 51.166 as discussed in the WV PSD TSD, EPA also finds that West Virginia's PSD program addresses specific PSD-related portions of infrastructure program elements in section 110(a)(2) of the CAA for the 1997 ozone and $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, the 2008 lead and ozone NAAQS, and the 2010 NO_2 and SO_2 NAAQS. Thus, EPA proposes to approve several of West Virginia's SIP submissions as addressing PSD requirements in section 110(a)(2) of the CAA for these NAAQS. The WV PSD TSD contains a detailed discussion of the relevant West Virginia infrastructure SIP submissions, EPA's prior rulemaking action on those infrastructure SIPs, and EPA's rationale for finding those SIP submittals address PSD elements of section 110(a)(2) for the 1997 ozone and $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, the 2008 lead and ozone NAAQS, and the 2010 NO_2 and SO_2 NAAQS.[2] EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

III. Proposed Action

EPA is proposing to approve West Virginia's June 3, 2015 SIP submittal containing revised PSD permit program implementation regulations at 45CSR14. In a previous rulemaking action, EPA evaluated 45CSR14 and found the provisions are consistent with the federal PSD permit program requirements at 40 CFR 51.166 with the exception of West Virginia's omission of a $PM_{2.5}$ SMC at zero micrograms per cubic meter. *See* 80 FR 36483. With the June 3, 2015 SIP submittal of the revised West Virginia PSD regulations at 45CSR14 which now contain the $PM_{2.5}$ SMC, West Virginia's PSD regulations are consistent with federal PSD requirements. EPA proposes to remove the conditional approval of the 2012 and 2014 submissions and fully approve 45CSR14. EPA is also proposing to determine that West Virginia's infrastructure SIP submittals for the 1997 ozone and $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, the 2008 lead and ozone NAAQS, and the 2010 NO_2 and SO_2 NAAQS meet PSD related requirements in section 110(a)(2) of the CAA. Finally, EPA proposes to remove the prior narrow disapproval of the West Virginia infrastructure SIPs for the 1997 ozone and $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, and the 2008 lead and ozone NAAQS for not addressing fully all PSD requirements for section 110(a)(2) of the CAA.

IV. Incorporation by Reference

In this proposed action, the EPA is proposing to include in a final EPA rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the West Virginia regulations at 45CSR14 regarding the PSD permitting requirements as discussed in section III of this preamble. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.com* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

In addition, this proposed rule, relating to West Virginia's PSD program and to several West Virginia infrastructure SIPs, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: December 21, 2015.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2015–33198 Filed 1–8–16; 8:45 am]

BILLING CODE 6560–50–P

[2] As mentioned previously, the WV PSD TSD is included in the docket for this proposed action (EPA–R03–OAR–2015–0539) and is available online at *www.regulations.gov.*

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2015–0773; FRL–9941–07–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Attainment Plan for the North Reading Area for the 2008 Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania). This revision pertains to the Commonwealth's attainment plan for the North Reading nonattainment area (''North Reading Area'' or ''Area'') for the 2008 lead national ambient air quality standards (NAAQS), and includes a base year emissions inventory, an analysis of reasonably available control measures (RACM) (including reasonably available control technology (RACT)), a plan for reasonable further progress (RFP), a modeling demonstration of lead NAAQS attainment, and contingency measures. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before February 10, 2016.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2015–0773 by one of the following methods:

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

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2015–0773, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2015–0773. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in *www.regulations.gov* or may be viewed during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, (215) 814–5787, or by email at *schmitt.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION: On August 12, 2015, the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision to its SIP for the purpose of demonstrating attainment of the 2008 lead NAAQS in the North Reading Area. Pennsylvania's lead attainment plan for the Area includes a base year emissions inventory, a modeling demonstration of lead NAAQS attainment, an analysis of RACM, RACT, and RFP, and contingency measures. The attainment plan includes portions of two Consent Order and Agreements (COA) between PADEP and Exide Technologies (Exide) and Yuasa Battery, Inc. (Yuasa) which demonstrate how Pennsylvania will achieve and maintain compliance with the 2008 lead NAAQS. The lead attainment plan specifically includes paragraph 3 of the COA between Exide and PADEP, dated June 15, 2015, and paragraphs 5 and 22 of the COA between Yuasa and PADEP, dated June 12, 2015.

EPA has determined that Pennsylvania's attainment plan for the 2008 lead NAAQS for the North Reading Area meets the applicable requirements of the CAA. Thus, EPA is proposing to approve Pennsylvania's attainment plan for the North Reading Area and paragraphs 3, 5, and 22, respectively, of the COAs between PADEP and Exide and Yuasa, as submitted on August 12, 2015.

EPA's analysis and findings are discussed for each applicable requirement in this rulemaking action. The three Technical Support Documents (TSDs) for this proposed action contain additional details on the base year inventory, modeling, control strategies, RFP, and contingency measures of the attainment demonstration. Copies of these TSDs can be found in the docket for this proposed action (EPA–R03–OAR–2015–0773) at *www.regulations.gov.*

I. Background

The North Reading attainment plan assesses lead emissions within the Area. Lead is a metal found naturally in the environment and present in some manufactured products. Human exposure to lead can cause a variety of adverse health effects, especially in children.[1]

Lead is emitted into the air from many sources, encompassing a wide variety of stationary and mobile source types. In the United States, there has been a decrease in the emissions of lead from mobile sources, resulting from the reduction of lead additives to fuel. Most of the lead emissions in the North Reading Area come from permitted stationary sources within the Area.

On November 12, 2008 (73 FR 66964), EPA established a 2008 primary and secondary lead NAAQS at 0.15 micrograms per cubic meter (μg/m^3)

[1] A more detailed analysis of adverse health effects associated with lead exposure can be found in the Preamble of the 2008 lead NAAQS final rule, published in the **Federal Register** on November 12, 2008. *See* 73 FR 66964.

based on a maximum arithmetic 3-month mean concentration for a 3-year period. *See* 40 CFR 50.16. Following promulgation of a new or revised NAAQS, EPA is required by the CAA, as described in section 107(d)(1), to designate areas throughout the United States as attaining or not attaining the NAAQS. On November 22, 2010 (75 FR 71033), EPA published its initial air quality designations and classifications for the 2008 lead NAAQS based upon air quality monitoring data for calendar years 2007–2009. The November 22, 2010 notice included the nonattainment designation of the North Reading Area; an area within Berks County in the Commonwealth of Pennsylvania, bounded by Alsace Township, Laureldale Borough, and Muhlenberg Township. *See* 76 FR 72097. The November 22, 2010 designations, including the North Reading Area nonattainment designation, became effective on December 31, 2010.[2]

The designation of the North Reading Area as nonattainment for the 2008 lead NAAQS triggered requirements under section 191(a) of the CAA, requiring Pennsylvania to submit a SIP revision with a plan for how the Area will attain the 2008 lead NAAQS, as expeditiously as practicable, but no later than December 31, 2015.

II. Summary of SIP Revision

On August 12, 2015, in accordance with section 172(c) of the CAA, Pennsylvania submitted an attainment plan for the North Reading Area which includes a base year emissions inventory, an attainment demonstration, an analysis of RACM and RACT, provisions for RFP, and contingency measures. The SIP revision also includes paragraph 3 of the COA between Exide and PADEP and paragraphs 5 and 22 of the COA between Yuasa and PADEP. EPA's analysis of the submitted attainment plan includes a review of these elements for the North Reading Area.

As part of the promulgation of the 2008 lead NAAQS, EPA revised the air monitoring requirements for lead. In accordance with the revised monitoring requirements, air monitors near sources in Pennsylvania that emit one ton per year (tpy) or more were in place by January 2010. The monitoring requirements for lead were further revised on December 27, 2010, when EPA lowered the monitoring requirement for stationary sources down to those that emit 0.5 tpy of lead among other changes. *See* 75 FR 81126.

Pennsylvania's lead monitoring network consists of lead monitors that have been designated by EPA as either Reference or Equivalent monitors and are subject to the federal quality assurance requirements of 40 CFR part 58, appendix A. All samplers are located at sites that have met the minimum siting requirements of 40 CFR part 58, appendices D and E.

PADEP currently operates two ambient air monitors in the North Reading Area. The Laureldale South monitor has been in place since 1976 and the Laureldale North monitor since January 1, 2010.[3] As required in 40 CFR 58.10, Pennsylvania must provide EPA with an annual network design plan in order to inform both EPA and the public of any planned changes to the sampling network for the next year. EPA approved Pennsylvania's 2015 Annual Air Quality Monitoring Network Design Plan, the most recent year available at the time of this evaluation, on November 12, 2015.

1. Emissions Inventory Requirements

Section 172(c)(3) of the CAA requires a state to submit a SIP that includes a ''comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant'' in the nonattainment area. In the 2008 lead NAAQS rulemaking on November 12, 2008, EPA finalized guidance related to the emissions inventories requirements for lead. *See* 73 FR 66964.

For the base year inventory of actual lead emissions for CAA 172(c)(3), EPA recommends using either 2010 or 2011 as the base year, but does provide flexibility for using other inventory years if states can show another year is more appropriate. Additionally, EPA guidance provides that actual emissions should be used for purposes of the base year inventory.[4] PADEP submitted a 2010 inventory for the point sources of lead emissions in the North Reading Area, which includes Exide and Yuasa.

For the nonpoint sources of lead emissions, PADEP submitted EPA's 2011 National Emissions Inventory (NEI) v2 data as a surrogate for the 2010 inventory. The nonpoint source values for the North Reading Area were calculated using Berks County data apportioned by population.

EPA reviewed the results, procedures, and methodologies for Pennsylvania's submission and found them to be reasonable for calculating the lead base year inventory for section 172(c)(3) of the CAA and in accordance with 40 CFR 51.117(e). A more detailed description of the PADEP's use and calculation of inventories as well as EPA's analysis of PADEP's base inventory for CAA requirements is included in the TSD prepared in support of this proposed rulemaking action. A copy of the Base Inventory TSD can be found in the docket for this proposed action (EPA–R03–OAR–2015–0773) at *www.regulations.gov.* In this action, EPA is proposing to approve the base year emissions inventory submitted by Pennsylvania on August 12, 2015, as it meets requirements in section 172(c)(3) of the CAA.

2. Attainment Planning Modeling

Section 172(c)(4) of the CAA and the lead SIP regulations found at 40 CFR 51.117 require states to employ atmospheric dispersion modeling for the demonstration of attainment of the lead NAAQS for areas in the vicinity of point sources listed in 40 CFR 51.117(a)(1), as expeditiously as practicable. The demonstration must meet the requirements of 40 CFR 51.112 and part 51, appendix W, and include inventory data, modeling results, and emissions reduction analyses on which the state has based its projected attainment. All these requirements comprise the ''attainment plan'' that is required for lead nonattainment areas.

As part of a state's attainment plan, 40 CFR 51.117(a) provides that states must include an analysis showing that the SIP will attain and maintain the standard in areas in the vicinity of certain point sources that are emitting significant emissions of lead and also in ''[a]ny other area that has lead air concentrations in excess of the national ambient air quality standard concentration.'' These sources include primary and secondary lead smelters, primary copper smelters, lead gasoline additive plants, lead-acid storage battery

[2] EPA completed a second and final round of designations for the 2008 lead NAAQS on November 22, 2011. *See* 76 FR 72097. No additional areas in Pennsylvania were designated as nonattainment for the 2008 lead NAAQS in the November 22, 2011 designations.

[3] The Laureldale North monitor (AQS 42–011–0020) is associated with the Exide facility located in Berks County and was installed in accordance with EPA's network design requirements for the 2008 lead NAAQS. 73 FR 66964. EPA reaffirmed placement of lead ambient air monitors in Pennsylvania when approving Pennsylvania's lead infrastructure SIP for the 2008 NAAQS as meeting requirements in section 110(a)(1) and (2) of the CAA. *See* 79 FR 19009 (April 7, 2014). EPA's approval of the lead infrastructure SIP, particularly regarding the approval of Pennsylvania's monitoring locations for section 110(a)(2)(B), was upheld in 2015 by the United States Court of Appeal for the Third Circuit. *Berks County* v. *EPA,* 3rd Cir. No. 14–2913, 2015 U.S. App. LEXIS 14050 (August 11, 2015).

[4] *See* ''Addendum to the 2008 Lead NAAQS Implementation Questions and Answers'' dated August 10, 2012, which is included in EPA's SIP Toolkit located at *www3.epa.gov/airquality/lead/implement.html.*

manufacturing plants, and any other stationary source that emits 25 or more tpy of lead or lead compounds measured as elemental lead. 40 CFR 51.117(a)(1). In doing this analysis, EPA expects a state will take into consideration all sources of lead emissions within the nonattainment area that may be required to be controlled.

In its SIP submittal, Pennsylvania identified one facility as having the potential to emit 0.5 tpy or more of lead in the North Reading Area. This facility, Exide Technologies, a secondary lead smelter, was included in PADEP's modeling analysis. Yuasa, a lead-acid battery assembly plant located across the street from Exide, was also included in the modeling analysis. Lead emissions from nonpoint sources and mobile sources were also examined but found to be insignificant and while included in PADEP's lead inventory, they were not included in the lead modeling demonstration due to their insignificance.

In accordance with 40 CFR part 51, appendix W, PADEP completed an air-dispersion modeling analysis for base year and future year emission inventories representing Exide and Yuasa, with reported lead emissions in 2010 and projected emissions for 2015. The 2015 lead emissions were used in the modeled attainment demonstration to determine if projected lead emission rates would comply with the 2008 lead NAAQS. The 2015 lead emissions for Exide and Yuasa were determined by incorporating emission reductions from the implementation of the control measures set forth in the National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting sources (Secondary Lead Smelting NESHAP) and from the stack-specific emission limits identified in the COAs between Pennsylvania and Exide and Yuasa.[5] PADEP modeled seventy-seven lead emission sources for Exide and twenty-seven lead emission sources for Yuasa. Table 1 summarizes 2010 and 2015 lead emissions compiled by the Commonwealth for both Exide and Yuasa.

TABLE 1—NORTH READING LEAD SOURCE EMISSIONS SUMMARY (TPY)

Lead source	2010 lead emissions (actual)	2015 lead emissions (projected)
Exide	1.0417	0.8991
Yuasa	0.1520	0.0850

EPA has found that PADEP's modeling demonstration was done in accordance with appendix W of 40 CFR part 51 and the modeling indicates that the Area will meet the 2008 lead NAAQS.

Because the Area had monitored violations of the 2008 lead NAAQS in January 2013, before Exide began idling, the Area will not attain the NAAQS by December 2015 (the Area's attainment date pursuant to section 192 of the CAA) based on ambient air quality over 36 consecutive 3-month periods. However, there have been no monthly periods which have exceeded 0.15 μg/m^3 since March 2013.[6] [7] As such, the 3-month rolling averages from mid-year 2013 and after have been below 0.15 μg/m^3 and the Area is on track to meet the 2008 lead NAAQS. EPA and PADEP expect the 2008 lead NAAQS to be attained on the basis of 2014–2016 ambient data as a result of implementation of PADEP's August 12, 2015 SIP revision.

The projected 2015 emissions inventory used the maximum allowable lead emissions for both Exide and Yuasa. While Exide is currently idling, it has not installed all of the control measures necessary for the Secondary Lead Smelting NESHAP and its Plan Approval No. 06–05066I. However, pursuant to the COA between Exide and Pennsylvania, Exide cannot resume operations at the facility without demonstrating compliance with the control measures specified in the Plan Approval No. 06–05066I and in its COA. The future year maximum allowable lead emissions were developed from the control measures included in Pennsylvania's attainment plan. However, even if Exide's operations remain idled and controls not installed until it resumes operations, its potential lead emissions while idling will continue to be less than if it were operating under the NESHAP and COA controls and limits.

EPA has evaluated the information provided in the Commonwealth's attainment plan for the North Reading Area and concludes that the Commonwealth's model attainment demonstration shows current lead control and emission limits will provide for attainment of the 2008 lead NAAQS and the modeling meets the requirements in the CAA and its implementing regulations.

More detailed information on the modeling system tools and documents used for the model attainment demonstration for the Area and EPA's analysis of PADEP's modeling can be found on the EPA Technology Transfer Network Support Center for Regulatory Atmospheric Modeling (SCRAM), in Pennsylvania's August 12, 2015 submittal, and in the EPA's Modeling TSD which can be found in the docket for this proposed action (EPA–R03–OAR–2015–0773) at *www.regulations.gov*.[8]

3. RACM, RACT, and RFP Analysis

According to section 172(c)(1) of the CAA and 40 CFR 51.112, Demonstration of Adequacy, attainment plans shall provide for RACM and RACT and must demonstrate that the measures, rules, and regulations contained in it are adequate to provide for the timely attainment and maintenance of the national standard that it implements.

In order to bring the North Reading Area into attainment for the 2008 lead NAAQS, Pennsylvania developed and modeled a control strategy for emissions from stacks at stationary sources and fugitive emissions from stationary sources from the two point sources of lead in the nonattainment area. Section IV of Pennsylvania's attainment plan SIP revision details the control measures and emission limits for the North Reading Area.

Pursuant to section 172(c)(1) of the CAA, attainment plans must provide for the implementation of all RACM as expeditiously as practicable for each nonattainment area. Section 172(c)(1) of the CAA requires RACM and emission reductions from sources through RACT to provide for attainment of the NAAQS. In March 2012, EPA issued guidance titled, ''Guide to Developing Reasonably Available Control Measures (RACM) for Controlling Lead Emissions'' (RACM Guidance).[9]

In the final rule for the 2008 lead NAAQS, EPA recommended that at least all stationary sources emitting 0.5 tpy or

[5] PADEP's RACM/RACT proposal for Exide, which includes measures that would require the facility to meet the requirements of the Secondary Lead Smelting NESHAP, is contained within Exide's Plan Approval No. 06–05066I.

[6] The daily averages used to calculate 3-month averages are given in appendices A–2 and A–3 in PADEP's August 12, 2015 submittal, which can be found in docket for this rulemaking action.

[7] Environmental Protection Agency. Air Quality System Data Mart [internet database] available at *http://www.epa.gov/ttn/airs/aqsdatamart.* Accessed December 3, 2015.

[8] *http://www.epa.gov/ttn/scram/.*

[9] *http://www3.epa.gov/airquality/lead/pdfs/2012 ImplementationGuide.pdf.*

more should undergo a RACT review.[10] At the time Pennsylvania was developing its attainment plan SIP, Exide was the only stationary source within the North Reading Area that had the potential to emit 0.5 tpy or more of lead emissions. Therefore, Exide was the only point source within the North Reading Area which PADEP required to complete a RACT analysis. Exide performed a RACT analysis following EPA's RACM guidance for controlling lead emissions which PADEP adopted in Plan Approval No. 06 05066I and proposes as RACT.

Exide's RACT analysis is located in appendix C–3 of Pennsylvania's SIP revision. The control measures the PADEP implemented as RACT for Exide include a variety of control measures for the attainment plan which also address requirements in the Secondary Lead Smelting NESHAP. *See* 77 FR 556 (January 5, 2012).

A descriptive list of the measures which Exide must implement are included in table 9 of PADEP's SIP revision. EPA's review and analysis of Pennsylvania's RACT proposal for Exide can be found in the Control Strategies, Reasonable Further Progress, and Contingency Measures TSD found in the docket for this proposed action (EPA–R03–OAR–2015–0773) at *www.regulations.gov.*

EPA is proposing to approve Pennsylvania's determination that the controls for lead emissions at Exide constitute RACM/RACT because PADEP conducted a reasonable analysis of controls that are technically and economically feasible and set the lowest achievable limits given those controls in accordance with the CAA requirements. By approving these control measures as RACM/RACT for Exide for purposes of the North Reading attainment plan, these control measures will become permanent and federally enforceable and will meet the requirements of the CAA and the 2008 lead NAAQS.

In addition to the RACT analysis performed for Exide, Pennsylvania evaluated other sources and actions that could contribute meaningful emission reductions for RACM. In order to establish further enforceable controls as RACM to reduce lead emissions from lead point sources and fugitive lead sources, the Commonwealth developed and entered into two separate COAs, one COA with Exide and one COA with Yuasa. These COAs are located within the Pennsylvania attainment SIP revision in appendices C–1 and C–2 and, upon EPA approval of Pennsylvania's submittal, the portions of these COAs submitted for the SIP will become federally enforceable.

According to PADEP, the COA between Exide and Pennsylvania specifies control measures that have been demonstrated with air dispersion modeling to reduce Exide's lead emission contributions to the North Reading Area. Also in the COA are emission limits that are to be included in the Commonwealth's SIP as limiting factors for lead emissions control from the lead emitting stacks at the Exide facility. The COA limits the total stack lead emissions for Exide to 0.02479667 grams of lead per second (g/s).

However, Exide has been in an idling state since February 2013, and as a result its lead emissions have been reduced dramatically. Exide submitted to PADEP a deactivation cover letter and Maintenance and Activation Plan on January 31, 2014, which indicated that only two lead-emitting sources remain active during the facility's idling state. Source 131 Lime Storage Bin and Source 132 Plant Roadways continue to operate under the controls currently identified in the facility's Title V operating permit. In 2014, under this idled state, Exide emitted a total of 0.00004 tpy of lead, reflecting significant reductions from its prior lead emissions due to idling.

Included in the COA between Pennsylvania and Exide is the requirement that Exide shall not resume operation of any portion of the facility until Exide has completed all of the modification work specified in Exide's Plan Approval No. 06–05066I, which includes all requirements for the Secondary Lead Smelting NESHAP.

According to PADEP's attainment plan, the COA between Yuasa and Pennsylvania specifies control measures that have been demonstrated with air dispersion modeling to reduce Yuasa's contribution to lead emissions in the North Reading Area. The COA with Yuasa includes emission limits as well as requirements for stack testing, recordkeeping, monitoring, and progress reports. The COA limits the total stack lead emissions for Yuasa to 0.002279522 g/s, to which Yuasa must adhere by December 31, 2015. Yuasa must demonstrate compliance with these limits, via reference method stack testing, by no later than June 30, 2016.

Upon EPA final approval of the Pennsylvania lead attainment plan SIP revision for the North Reading Area, the limits and measures (in paragraph 3 for Exide and paragraphs 5 and 22 for Yuasa) within the COAs for Exide and Yuasa will become federally enforceable. EPA finds the measures contained in the COAs for Yuasa and Exide provide for implementation of all RACM as expeditiously as practicable to provide for attainment of the 2008 lead NAAQS in accordance with the requirements in section 172(c)(1) of the CAA and its implementing regulations. Further details of EPA's review of the RACM for Yuasa and Exide is provided in the Control Strategies, Reasonable Further Progress, and Contingency Measures TSD found in the docket for this proposed action (EPA–R03–OAR–2015–0773) at *www.regulations.gov.*

In accordance with section 172(c)(2) of the CAA, attainment plans must also provide for RFP. Section 171(1) of the CAA defines RFP as annual incremental reductions in emissions of the relevant air pollutants as required by Title I, Part D of the CAA, or emission reductions that may reasonably be required by EPA to ensure attainment of the applicable NAAQS by the applicable date.[11] EPA believes that RFP for lead nonattainment areas should be met by ''adherence to an ambitious compliance schedule'' which is expected to periodically yield significant emission reductions, and as appropriate, linear progress.[12]

In its August 12, 2015 submittal, PADEP presented the COAs with Exide and Yuasa as providing for RFP. Overall, EPA finds that the control strategies for both Exide and Yuasa will provide for immediate reductions in lead emissions in the Area. Yuasa's reductions will be implemented by December 2015. Although Exide's reductions in lead from the control strategies in the COA have not been implemented yet, the plant has no lead smelting in operation and thus reductions in lead have already occurred. While the lead emissions reductions are not staggered or phased and therefore the ambient air quality concentrations are not expected to decrease over a long period of time, the lead reductions have already most notably occurred after Exide began its idling state in February 2013. Since shortly after Exide began idling, all of the North Reading Area's ambient air monitors have been reporting 3-month rolling averages well below the 2008 lead NAAQS. As ambient air quality concentrations have dropped, and have remained, below 0.15 $\mu g/m^3$, EPA believes that the Area has made RFP towards attainment.

As provided in the COA between Exide and PADEP, if Exide seeks to resume its lead smelting operations at its facility, Exide would first need to

[10] *See* 73 FR 67038 (November 12, 2008).

[11] Incremental reductions in lead emissions are not specified in Part D.

[12] *See* 73 FR 67038 (November 12, 2008).

comply with all of the control measures necessary to comply with the Secondary Lead Smelting NESHAP as well as the control measures specified in the COA. Upon implementation of these control strategies, Pennsylvania's modeling shows the ambient air quality concentrations should continue below the attainment level. Therefore, the Area should continue to attain the 2008 lead NAAQS whether Exide is operating or not and EPA thus finds that PADEP has met its RFP requirements for the North Reading Area.

In summary, EPA finds the Pennsylvania attainment plan for North Reading Area meets CAA requirements in section 172 of the CAA for RACM/RACT and RFP. Further EPA analysis and reasoning supporting EPA's conclusion is available in the Control Strategies, Reasonable Further Progress, and Contingency Measures TSD found in the docket for this proposed action (EPA–R03–OAR–2015–0773) at *www.regulations.gov.*

4. Contingency Measures

As required by section 172(c)(9) of the CAA, an attainment demonstration must include contingency measures to be implemented if EPA determines that the nonattainment area in question has failed to make RFP or if the area fails to attain the NAAQS by the attainment date in December 2015. These measures must be fully adopted rules or control measures that can be implemented quickly and without additional EPA or state action if the area fails to meet RFP requirements or fails to meet it attainment date. Contingency measures should contain trigger mechanisms and an implementation schedule. In addition, these measures should not already be included in the SIP control strategy for attaining the standard.[13]

For the North Reading Area attainment plan, Pennsylvania's SIP submission provides that if the air quality data for any 3-month rolling period after the implementation of the control measures identified in the COAs and Plan Approval No. 06–05066I exceed the 0.15 μg/m^3 lead NAAQS, at least one of the contingency measures set forth in the COAs shall be implemented.

The COA between Pennsylvania and Exide includes for contingency measures: Upgrade of existing fugitive dust control devices; increase existing lead emission stack heights; increased frequency of plant roadway surface cleaning; and an investigative study.[14] PADEP will use two types of triggers, ambient air quality and emission events, for the implementation of contingency measures in the North Reading Area. Detailed information regarding the contingency measure actions and contingency measure triggers for Exide and Yuasa as well as EPA's analysis of these contingency measures for compliance with CAA requirements, can be found in the Control Strategies, Reasonable Further Progress, and Contingency Measures TSD located in the docket for this proposed action (EPA–R03–OAR–2015–0773) at *www.regulations.gov.*

EPA finds these contingency measure triggers and actions will help ensure compliance with the 2008 lead NAAQS and meet the requirements of section 172(c)(9) of the CAA to ensure continued attainment of the NAAQS if any events occur interfering with attainment. EPA proposes to approve Pennsylvania's SIP revision as meeting section 172(c)(9) of the CAA.

III. Proposed Action

EPA's review of Pennsylvania's August 12, 2015 SIP revision for the attainment plan for the North Reading Area satisfies the applicable requirements of the CAA identified in EPA's final 2008 lead NAAQS rule and in section 172 of the CAA and its implementation regulations.[15] EPA finds the attainment plan will result in attainment of the 0.15 μg/m^3 standard for the 2008 lead NAAQS in the North Reading Area. EPA is proposing to approve the Pennsylvania SIP revision, which was submitted on August 12, 2015, for the North Reading nonattainment area for the 2008 lead NAAQS and includes the attainment demonstration, base year emissions inventory, RACM/RACT and RFP analyses, and contingency measures. EPA also proposes to approve for inclusion in the Pennsylvania SIP paragraph 3 of the COA between Exide and PADEP, dated June 15, 2015 and paragraphs 5 and 22 of the COA, dated June 12, 2012, between Yuasa and PADEP, as control measures for the attainment plan. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

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

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

In addition, this proposed rule regarding PADEP's lead attainment plan for the North Reading Area, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country

[13] *See* 73 FR 67038 (November 12, 2008).

[14] The COA between Pennsylvania and Yuasa includes an investigative study as a contingency measure for Yuasa. Appendix C–2 in PADEP's August 12, 2015 submittal, which can be found in docket for this rulemaking action.

[15] Section 172(c)(5) of the CAA requires permits for the construction and operation of new and modified major stationary sources anywhere in a nonattainment area. The Pennsylvania SIP includes provisions consistent with the federal requirements, set forth at 40 CFR 51.165, for nonattainment new source review (NSR). Yuasa is considered a natural minor for purposes of nonattainment NSR for all pollutants, including lead.

located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Lead.

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

Dated: December 21, 2015.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2015–33303 Filed 1–8–16; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0783; FRL–9940–79–Region 6]

Approval and Promulgation of Implementation Plans; Arkansas; New Mexico; Oklahoma; Disapproval of Greenhouse Gas Biomass Deferral, Step 2 and Minor Source Permitting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to disapprove severable portions of the February 6, 2012 Oklahoma State Implementation Plan (SIP) submittal that are now inconsistent with federal laws due to intervening decisions by the United States Courts and EPA rulemaking. This submittal establishes Minor New Source Review permitting requirements for greenhouse gas (GHG) emissions and includes Prevention of Significant Deterioration (PSD) permitting provisions for sources that are classified as major, and, thus, required to obtain a PSD permit, based solely on their potential GHG emissions. The PSD permitting provisions also require a PSD permit for modifications of otherwise major sources because they increased only GHG above applicable levels. Additionally, we are proposing to disapprove severable portions of SIP submittals for the States of Arkansas, New Mexico, and Oklahoma addressing the EPA's July 20, 2011 rule deferring PSD requirements for carbon dioxide (CO_2) emissions from bioenergy and other biogenic sources (''Biomass Deferral''). We are proposing to disapprove the provisions adopting the Biomass Deferral because the deferral has expired, so the provisions are no longer consistent with federal laws. The EPA is proposing this disapproval under section 110 and part C of the Act.

DATES: Written comments must be received on or before February 10, 2016.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2015–0783, at *http://www.regulations.gov* or via email to *wiley.adina@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Ms. Adina Wiley, (214) 665–2115, *wiley.adina@epa.gov.* For 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.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Ms. Adina Wiley, (214) 665–2115, *wiley.adina@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Ms. Adina Wiley or Mr. Bill Deese at 214–665–7253.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

A. The February 6, 2012 Oklahoma SIP Submittal

On February 6, 2012, Oklahoma submitted revisions to the Oklahoma permitting programs for approval by the EPA into the Oklahoma SIP, including new Minor New Source Review (NSR) permitting requirements for GHG emissions at OAC 252:100–7–2.1 and revisions to the Oklahoma PSD program at OAC 252:100–8–31 (the definition of ''subject to regulation'') to require PSD permits for sources solely because of GHG emissions. In addition, the submittal included many other updates to the Oklahoma SIP, unrelated to GHG permitting, which the EPA is addressing in separate actions. However, today's action only addresses the provisions for GHG permitting that are inconsistent with federal laws.

B. The November 6, 2012 Arkansas SIP Submittal

On November 6, 2012, Arkansas submitted revisions to the Arkansas Pollution Control and Ecology Commission's Regulations, Chapters 2, 4 and 9 for approval by the EPA into the Arkansas SIP. The EPA finalized our approval of the submitted revisions to the Arkansas PSD program at Regulation 19, Chapter 9 that provide the State of Arkansas with the authority to issue PSD permits governing GHG emissions on April 2, 2013, at 63 FR 19596. The EPA finalized approval of the other parts of the submittal on March 4, 2015, with the exception of the severable components of the submittal at Regulation 19, Chapter 4 specific to the Arkansas Minor NSR program, and the severable portion of the definition of ''CO_2 Equivalent Emissions'' implementing the Biomass Deferral at Regulation 19, Chapter 2. Today's action only addresses the severable portion of the definition of ''CO_2 Equivalent Emissions'' at Regulation 19, Chapter 2 submitted on November 6, 2012. The EPA will address the revisions to the Arkansas Minor NSR program at Regulation 19, Chapter 4 in a separate action, at a later date.

C. The January 8, 2013 New Mexico SIP Submittal

On January 8, 2013, New Mexico submitted regulations specific to the New Mexico PSD permitting program for approval by the EPA into the New Mexico SIP. The EPA finalized approval of a portion of this submittal pertaining to plantwide applicability limits for GHGs on December 11, 2013, at 78 FR 75253. The submittal also included revisions to the PSD permitting provisions that were adopted on January 7, 2013, at 20.2.74 NMAC to defer the application of the PSD requirements to CO_2 emissions from bioenergy and other biogenic stationary sources consistent with the Biomass Deferral. The revisions to 20.2.74 NMAC to adopt the Biomass

Deferral that are the subject of today's rulemaking are the only portions of the submittal remaining before the EPA for review and approval.

D. The January 18, 2013 Oklahoma SIP Submittal

On January 18, 2013, Oklahoma submitted revisions to the Oklahoma regulations for approval by the EPA into the Oklahoma SIP that included provisions in the general definitions at OAC 252:100–1–3 and OAC 252:100–8–31 to defer the application of the PSD requirements to biogenic CO_2 emissions from bioenergy and other biogenic stationary sources that are the subject of today's rulemaking. The submittal also included many other updates to the Oklahoma SIP which the EPA is addressing in separate actions.

II. The EPA's Evaluation

A. Oklahoma SIP Submission Addressing Permitting of GHG Emissions in Oklahoma

On February 6, 2012, the Oklahoma Department of Environmental Quality submitted a revision to the Oklahoma SIP that included, among other things, provisions to regulate the emissions of GHGs in construction permitting programs. The revisions to the Oklahoma Minor Source Permitting Program at OAC 252:100–7–2.1 establish a mechanism for sources in Oklahoma to take enforceable emissions limitations on GHGs to avoid becoming a major source for GHG emissions under the Oklahoma PSD program. The revisions to the Oklahoma PSD program at OAC 252:100–8–31 adopted a new definition of ''subject to regulation'' to identify when emissions of GHGs would be regulated under the PSD program. The revisions to the Oklahoma PSD program submitted were consistent with the EPA's June 3, 2010, final rule ''Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule'' (75 FR 31514) (hereafter referred to as the ''Tailoring Rule'').

The Tailoring Rule phased in permitting requirements for GHG emissions from stationary sources under the CAA PSD and title V permitting programs. In Step 1 of the Tailoring Rule, which began on January 2, 2011, the EPA limited application of PSD and title V requirements to sources of GHG emissions only if they were subject to PSD or title V ''anyway'' due to their emissions of pollutants other than GHGs. These sources are referred to as ''anyway sources.'' In Step 2 of the Tailoring Rule, which began on July 1, 2011, the PSD and title V permitting requirements under the CAA applied to some sources that were classified as major, and, thus, required to obtain a permit, based solely on their GHG emissions or potential to emit GHGs, and to modifications of otherwise major sources that required a PSD permit because they increased only GHG emissions above the level in the EPA regulations. We generally describe the sources covered by PSD during Step 2 of the Tailoring Rule as ''Step 2 sources.''

On June 23, 2014, the U.S. Supreme Court issued a decision in *Utility Air Regulatory Group (UARG)* v. *EPA,* 134 S. Ct. 2427, addressing the application of PSD and title V permitting requirements to GHG emissions. The U.S. Supreme Court held that the EPA may not treat GHGs as an air pollutant for the specific purpose of determining whether a source is a major source (or a modification thereof) and thus required to obtain a PSD or title V permit. The Court also said that the EPA could continue to require that PSD permits, otherwise required based on emissions of pollutants other than GHGs, contain limitations on GHG emissions based on the application of Best Available Control Technology (BACT). With respect to PSD, the ruling effectively upheld PSD permitting requirements for GHG emissions under Step 1 of the Tailoring Rule for ''anyway sources,'' and invalidated PSD permitting requirements for Step 2 sources.

In accordance with the Supreme Court decision, on April 10, 2015, the U.S. Court of Appeals for the District of Columbia Circuit (the DC Circuit) issued an Amended Judgment vacating the regulations that implemented Step 2 of the Tailoring Rule, but not the regulations that implement Step 1 of that rule. With respect to Step 2 sources, the DC Circuit's amended judgment ordered that the EPA regulations under review (including 40 CFR 51.166(b)(48)(v) and 40 CFR 52.21(b)(49)(v)) be vacated ''to the extent they require a stationary source to obtain a PSD permit if greenhouse gases are the only pollutant (i) that the source emits or has the potential to emit above the applicable major source thresholds, or (ii) for which there is a significant emissions increase from a modification.''

The EPA promulgated a final rule on August 19, 2015, removing the PSD permitting provisions for Step 2 sources from the federal regulations that the DC Circuit specifically identified as vacated (40 CFR 51.166(b)(48)(v) and 52.21(b)(49)(v)). Consistent with our August 19, 2015 final rule, the EPA is proposing to disapprove the submitted revisions at OAC 252:100–7–2.1 and OAC 252:100–8–31 that pertain to the minor source permitting of GHGs and the PSD permitting of Step 2 sources.

B. SIP Submissions Addressing the GHG Biomass Deferral in Arkansas, New Mexico and Oklahoma

On July 20, 2011, the EPA finalized a rulemaking entitled ''Deferral for CO_2 Emissions From Bioenergy and Other Biogenic Sources Under the Prevention of Significant Deterioration (PSD) and Title V Programs''. (76 FR 43490) (''Biomass Deferral''). This rule deferred (for three years) the applicability of PSD and title V requirements CO_2 emissions from biogenic sources.[1] On July 12, 2013, the DC Circuit, in *Center for Biological Diversity* v. *EPA,* 722 F.3d 401, vacated the provisions of the Biomass Deferral. Due to a series of extension requests and rehearing proceedings, the court did not issue its mandate making the vacatur effective until August 10, 2015. However, the Biomass Deferral expired by its own terms on July 21, 2014. For both reasons, the Biomass Deferral is no longer applicable under federal laws.

Our analysis, available in our Technical Support Document in the rulemaking docket, finds that the States of Arkansas, New Mexico and Oklahoma each adopted and submitted as revisions to their respective SIPs, provisions that were substantively consistent with the requirements of the EPA's now-expired Biomass Deferral. However, because the deferral expired on July 21, 2014, and the court issued its mandate, these provisions are no longer available for use under federal PSD regulations and should not be approved into a state's PSD SIP. For that reason, we are proposing to disapprove these provisions.

C. Evaluation of the Submitted Revisions Under Section 110 of the CAA

The EPA has an obligation under section 110 of the CAA to act on submitted SIP revisions unless these revisions are withdrawn by the State. Because these provisions have not yet been withdrawn from our consideration, the EPA has a duty to act on the

[1] Emissions of CO_2 from a stationary source directly resulting from the combustion or decomposition of biologically-based materials other than fossil fuels and mineral sources of carbon (*e.g.,* calcium carbonate) and biologically-based material (nonfossilized and biodegradable organic material originating from plants, animals or micro-organisms [including products, by-products, residues and waste from agriculture, forestry and related industries as well as the nonfossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material]).

submitted provisions pertaining to the PSD permitting of Step 2 sources in the Oklahoma SIP and the provisions incorporating the now-expired Biomass Deferral into the Arkansas, New Mexico and Oklahoma SIPs. Our proposed action today will disapprove these provisions because the provisions are no longer valid under federal law or consistent with federal regulations; as such, our action today will not undermine the respective SIPs, PSD programs, or any other requirement of the CAA.

III. Proposed Action

We are proposing to disapprove severable portions of the February 6, 2012 Oklahoma SIP submittal establishing GHG permitting requirements for minor sources and Step 2 PSD sources. The EPA has made the preliminary determination that these revisions to the Oklahoma SIP should be disapproved because they establish permitting requirements that are inconsistent with federal laws. Therefore, under section 110 and part C of the Act, and for the reasons presented above, the EPA is proposing to disapprove the following revisions:

- Substantive revisions to the Oklahoma SIP establishing Minor NSR GHG permitting requirements at OAC 252:100–7–2.1 as submitted on February 6, 2012; and
- Substantive revisions to the Oklahoma PSD program in OAC 252:100–8–31 establishing PSD permitting requirements for Step 2 sources at paragraph (E) of the definition of ''subject to regulation'' as submitted on February 6, 2012.

We are also proposing to disapprove severable portions of the November 6, 2012 Arkansas SIP submittal, the January 8, 2013 New Mexico SIP, and the January 18, 2013 Oklahoma SIP submittal that include the Biomass Deferral in the Arkansas, New Mexico, and Oklahoma PSD programs. The EPA has made the preliminary determination that these revisions to the Arkansas, New Mexico, and Oklahoma SIPs should be disapproved because the Biomass Deferral has expired and adoption or implementation of these provisions is no longer consistent with federal regulations for PSD permitting. Therefore, under section 110 and part C of the Act, and for the reasons presented above, the EPA is proposing to disapprove the following revisions:

- Substantive revisions to the Arkansas SIP definition of ''CO_2 Equivalent Emissions'' at Regulation 19, Chapter 2 to implement the Biomass Deferral as submitted on November 6, 2012; and
- Substantive revisions to the New Mexico SIP definition of ''Subject to Regulation'' at 20.2.74.7 (AZ)(2)(*a*) NMAC to implement the Biomass Deferral as submitted on January 8, 2013.
- Substantive revisions to the Oklahoma SIP definitions of ''carbon dioxide equivalent emissions'' at OAC 252:100–1–3 and ''subject to regulation'' at OAC 252:100–8–31 as submitted on January 18, 2013.

The EPA is proposing to disapprove the revisions listed because the submitted provisions are no longer consistent with federal laws. There will be no sanctions or punitive measures taken as a result of our finalization of this proposed disapproval.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to disapprove state law as not meeting Federal requirements for the regulation and permitting of GHG emissions.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. There is no burden imposed under the PRA because this action proposes to disapprove submitted revisions that are no longer consistent with federal laws for the regulation and permitting of GHG emissions.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action proposes to disapprove submitted revisions that are no longer consistent with federal laws for the regulation and permitting of GHG emissions, and therefore will have no impact on small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector. This action proposes to disapprove submitted revisions that are no longer consistent with federal laws for the regulation and permitting of GHG emissions, and therefore will have no impact on small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This action proposes to disapprove provisions of state law that are no longer consistent with federal laws for the regulation and permitting of GHG emissions; there are no requirements or responsibilities added or removed from Indian Tribal Governments. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it disapproves state permitting provisions that are inconsistent with federal laws for the regulation and permitting of GHG emissions.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. This action is not subject to Executive Order 12898 because it disapproves state permitting provisions that are inconsistent with federal laws for the regulation and permitting of GHG emissions.

List of Subjects in 40 CFR Part 52

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

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

Dated: December 17, 2015.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2015–33098 Filed 1–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2013–0084; FRL–9940–88–Region 4]

Air Plan Approval and Air Quality Designation; GA; Redesignation of the Atlanta, GA, 1997 Annual $PM_{2.5}$ Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On August 30, 2012, the Georgia Department of Natural Resources, through the Georgia Environmental Protection Division (GA EPD), submitted a request for the Environmental Protection Agency (EPA) to redesignate the Atlanta, Georgia, fine particulate matter ($PM_{2.5}$) nonattainment area (hereafter referred to as the ''Atlanta Area'' or ''Area'') to attainment for the 1997 Annual $PM_{2.5}$ national ambient air quality standards (NAAQS) and to approve a state implementation plan (SIP) revision containing a maintenance plan for the Atlanta Area. EPA is proposing to determine that the Atlanta Area is continuing to attain the 1997 Annual $PM_{2.5}$ NAAQS; to approve Georgia's plan for maintaining the 1997 Annual $PM_{2.5}$ NAAQS in the Atlanta Area (maintenance plan), including the associated motor vehicle emission budgets (MVEBs) for nitrogen oxides (NO_X) and $PM_{2.5}$ for the year 2024, into Georgia's SIP; and to redesignate the Atlanta Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. EPA is also notifying the public of the status of EPA's adequacy determination for the Atlanta Area.

DATES: Comments must be received on or before February 1, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2013–0084, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4-ARMS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* EPA–R04–OAR–2013–0084, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Ms. Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2013–0084. EPA policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information may not be publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joel Huey, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Joel Huey may be reached by phone at (404) 562–9104 or via electronic mail at *huey.joel@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What are the actions EPA is proposing to take?

EPA is proposing to take the following three separate but related actions, one of which involves multiple elements: (1) To determine that the Atlanta Area is continuing to attain the 1997 Annual $PM_{2.5}$ NAAQS; (2) to approve Georgia's plan for maintaining the 1997 Annual $PM_{2.5}$ NAAQS for the Atlanta Area (maintenance plan), including the associated MVEBs, into Georgia SIP; and (3) to redesignate the Atlanta Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. EPA is also notifying the public of the status of EPA's adequacy determination for the MVEBs for the Atlanta Area. The Atlanta Area is comprised of twenty whole counties and two partial counties in Georgia: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, Walton, and portions of Heard and Putnam Counties. Today's proposed actions are summarized below and described in great detail in this notice of proposed rulemaking.

EPA is making the preliminary determination that the Atlanta Area is continuing to attain the 1997 Annual $PM_{2.5}$ NAAQS based on recent air quality data [1] and proposing to approve Georgia's 1997 Annual $PM_{2.5}$ NAAQS maintenance plan for the Atlanta Area (such approval being one of the Clean Air Act (CAA or Act) criteria for redesignation to attainment status). The maintenance plan is designed to help keep the Atlanta Area in attainment for the 1997 Annual $PM_{2.5}$ NAAQS through 2024. As explained in Section V below, EPA is also proposing to determine that attainment can be maintained through 2025. The maintenance plan that EPA is proposing to approve today includes on-road MVEBs for the mobile source contribution of NO_X and direct $PM_{2.5}$ to the air quality problem in the Atlanta Area for transportation conformity purposes. EPA is proposing to approve the 2024 MVEBs for NO_X and $PM_{2.5}$ for the Atlanta Area and incorporate them in to the Georgia SIP.

EPA also proposes to determine that the Atlanta Area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. Accordingly, in this action, EPA is proposing to approve a request to change the legal designation of the Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, Walton, and portions of Heard and Putnam Counties in Georgia from nonattainment to attainment for the 1997 Annual $PM_{2.5}$ NAAQS.

EPA is also notifying the public of the status of EPA's adequacy process for the 2024 NO_X and $PM_{2.5}$ MVEBs for the Atlanta Area. The Adequacy comment period began on February 21, 2013, with EPA's posting of the availability of Georgia's submission on EPA's Adequacy Web site (*http://www.epa.gov/otaq/stateresources/transconf/currsips.htm#atlanta0221*). The Adequacy comment period for these MVEBs closed on March 25, 2013. No comments, adverse or otherwise, were received through the Adequacy process. Please see section VIII of this proposed rulemaking for further explanation of this process and for more details on the MVEBs.

In summary, today's notice of proposed rulemaking is in response to Georgia's August 30, 2012, redesignation request and associated SIP submission that address the specific issues summarized above and the necessary elements for redesignation described in section 107(d)(3)(E) of the CAA.

II. What is the background for EPA's proposed actions?

Fine particle pollution can be emitted directly or formed secondarily in the atmosphere.[2] The main precursors of secondary $PM_{2.5}$ are sulfur dioxide (SO_2), NO_X, ammonia, and volatile organic compounds (VOC). *See* 72 FR 20586, 20589 (April 25, 2007). Sulfates are a type of secondary particle formed from SO_2 emissions of power plants and industrial facilities. Nitrates, another common type of secondary particle, are formed from NO_X emissions of power plants, automobiles, and other combustion sources.

On July 18, 1997, EPA promulgated the first air quality standards for $PM_{2.5}$. EPA promulgated an annual standard at a level of 15 micrograms per cubic meter ($\mu g/m^3$), based on a 3-year average of annual mean $PM_{2.5}$ concentrations. In the same rulemaking, EPA promulgated a 24-hour standard of 65 $\mu g/m^3$, based on a 3-year average of the 98th percentile of 24-hour concentrations. On October 17, 2006, EPA retained the annual average NAAQS at 15 $\mu g/m^3$ but revised the 24-hour NAAQS to 35 $\mu g/m^3$, based again on the 3-year average of the 98th percentile of 24-hour concentrations.[3] *See* 71 FR 61144. Under EPA regulations at 40 CFR part 50, the primary and secondary 1997 Annual $PM_{2.5}$ NAAQS are attained when the annual arithmetic mean concentration, as determined in accordance with 40 CFR part 50, Appendix N, is less than or equal to 15.0 $\mu g/m^3$ at all relevant monitoring sites in the subject area averaged over a 3-year period.

On January 5, 2005, and supplemented on April 14, 2005, EPA designated the Atlanta Area as nonattainment for the 1997 $PM_{2.5}$ NAAQS. *See* 70 FR 944 and 70 FR 19844, respectively. On November 13, 2009, EPA promulgated designations for the 24-hour $PM_{2.5}$ NAAQS established in 2006 and designated all counties of the Atlanta Area as unclassifiable/attainment for that standard. *See* 74 FR 58688. EPA did not promulgate designations for the 2006 Annual $PM_{2.5}$ NAAQS because that NAAQS was essentially identical to the 1997 Annual $PM_{2.5}$ NAAQS. The November 13, 2009,

[1] As discussed in section V below, this proposed determination is also based on EPA's December 8, 2011, determination that the Atlanta Area was attaining the standard at that time. 76 FR 76620.

[2] Fine particulate matter, or $PM_{2.5}$, refers to airborne particles less than or equal to 2.5 micrometers in diameter. Although treated as a single pollutant, fine particles come from many different sources and are composed of many different compounds. In the Atlanta Area, one of the largest components of $PM_{2.5}$ is sulfate, which is formed through various chemical reactions from the precursor SO_2. The other major component of $PM_{2.5}$ is organic carbon, which originates predominantly from biogenic emission sources. Nitrate, which is formed from the precursor NO_X, is also a component of $PM_{2.5}$. Crustal materials from windblown dust and elemental carbon from combustion sources are less significant contributors to total $PM_{2.5}$. VOCs, also precursors for PM, are emitted from a variety of sources, including motor vehicles, chemical plants, refineries, factories, consumer and commercial products, and other industrial sources. VOCs also are emitted by natural sources such as vegetation.

[3] In response to legal challenges of the annual standard promulgated in 2006, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded that NAAQS to EPA for further consideration. *See American Farm Bureau Federation and National Pork Producers Council, et al.* v. *EPA,* 559 F.3d 512 (D.C. Cir. 2009). However, given that the 1997 and 2006 Annual NAAQS are essentially identical, attainment of the 1997 Annual NAAQS would also indicate attainment of the remanded 2006 Annual NAAQS.

action also clarified that all counties of the Atlanta Area were designated unclassifiable/attainment for the 1997 24-hour $PM_{2.5}$ NAAQS through the designations promulgated on January 5, 2005. Therefore, the Area is designated nonattainment for the 1997 Annual $PM_{2.5}$ NAAQS, and today's action only addresses that designation.

All 1997 $PM_{2.5}$ NAAQS areas were originally designated under subpart 1 of title I, part D, of the CAA. Subpart 1 contains the general requirements for nonattainment areas for any pollutant governed by a NAAQS and is less prescriptive than the other subparts of title I, part D. On April 25, 2007, EPA promulgated its Clean Air Fine Particle Implementation Rule, codified at 40 CFR part 51, subpart Z, in which the Agency provided guidance for state and tribal plans to implement the 1997 $PM_{2.5}$ NAAQS. *See* 72 FR 20664. This rule, at 40 CFR 51.1004(c), specifies some of the regulatory results of attaining the NAAQS, as discussed below. The D.C. Circuit remanded the Clean Air Fine Particle Implementation Rule and the final rule entitled ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' (73 FR 28321, May 16, 2008) (collectively, ''1997 $PM_{2.5}$ Implementation Rules'') to EPA on January 4, 2013, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013). The Court found that EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of subpart 1 of Part D of Title I of the CAA rather than the particulate matter-specific provisions of subpart 4 of part D of title I. The effect of the Court's ruling on this proposed redesignation action is discussed in detail in Section VI of this notice.

The 3-year ambient air quality data for 2008–2010 indicated no violations of the 1997 $PM_{2.5}$ NAAQS for the Atlanta Area. As a result, on August 30, 2012, Georgia requested redesignation of the Atlanta Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. The redesignation request includes three years of ambient air quality data, certified as quality-assured by the State of Georgia, for the 1997 Annual $PM_{2.5}$ NAAQS for 2008–2010, indicating that the 1997 $PM_{2.5}$ NAAQS had been achieved for the Atlanta Area. Under the CAA, nonattainment areas may be redesignated to attainment if sufficient quality-assured data is available for the Administrator to determine that the area has attained the standard and the area meets the other CAA redesignation requirements in section 107(d)(3)(E). The Atlanta Area's design value,[4] based on data from 2008 through 2010, is below 15.0 $\mu g/m^3$, which demonstrates attainment of the standard. While annual $PM_{2.5}$ concentrations are dependent on a variety of conditions, the overall improvement in annual $PM_{2.5}$ concentrations in the Atlanta Area can be attributed to the reduction of pollutant emissions, as discussed in more detail in Section V of this proposed rulemaking.

III. What are the criteria for redesignation?

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation provided the following criteria are met: (1) The Administrator determines that the area has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and (5) the state containing such area has met all requirements applicable to the area under section 110 and part D of title I of the CAA.

On April 16, 1992, EPA provided guidance on redesignation in the General Preamble for the Implementation of title I of the CAA Amendments of 1990 (57 FR 13498), and the Agency supplemented this guidance on April 28, 1992 (57 FR 18070). EPA has provided further guidance on processing redesignation requests in the following documents:

1. ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (hereafter referred to as the ''Calcagni Memorandum'');

2. ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992; and

3. ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994.

IV. Why is EPA proposing these actions?

On August 30, 2012, the State of Georgia, through the GA EPD, requested that EPA redesignate the Atlanta Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. EPA's evaluation indicates that the Area has attained the 1997 $PM_{2.5}$ NAAQS and meets the requirements for redesignation set forth in section 107(d)(3)(E), including the maintenance plan requirements under section 175A of the CAA. As a result, EPA is proposing to take the three related actions summarized in section I of this notice.

V. What is EPA's analysis of the request?

As stated above, in accordance with the CAA, EPA proposes in today's action to: (1) Make the determination that the Atlanta Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS; (2) approve the 1997 Annual $PM_{2.5}$ NAAQS maintenance plan for the Atlanta Area, including the associated MVEBs, into the Georgia SIP as described below; and (3) redesignate the Atlanta Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. The five redesignation criteria provided under CAA section 107(d)(3)(E) are discussed in greater detail for the Atlanta Area in the following paragraphs of this section.

Criteria (1)—The Atlanta Area Has Attained the 1997 Annual $PM_{2.5}$ NAAQS

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has attained the applicable NAAQS (CAA section 107(d)(3)(E)(i)). For $PM_{2.5}$, an area may be considered to be attaining the 1997 Annual $PM_{2.5}$ NAAQS if it meets the standards, as determined in accordance with 40 CFR 50.13 and Appendix N of part 50, based on three complete, consecutive calendar years of quality-assured air quality monitoring data. To attain these NAAQS, the 3-year average of the annual arithmetic mean concentration, as determined in accordance with 40 CFR part 50, Appendix N, must be less than or equal to 15.0 $\mu g/m^3$ at all relevant monitoring sites in the subject area over a 3-year period. The relevant data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA Air Quality System (AQS) database. The monitors generally

[4] Design values are the metrics that are compared to the NAAQS levels to determine attainment. The annual design value is calculated as the average of three consecutive annual means. *See* 40 CFR part 50, Appendix N.

should have remained at the same location for the duration of the monitoring period required for demonstrating attainment.

On December 8, 2011, EPA determined that the Atlanta Area was attaining the 1997 Annual $PM_{2.5}$ NAAQS and that the Area had attained the NAAQS by the applicable attainment date of April 5, 2010.[5] See 76 FR 76620. For that action, EPA reviewed $PM_{2.5}$ monitoring data from monitoring stations in the Atlanta Area for the 1997 Annual $PM_{2.5}$ NAAQS for 2007 through 2010. Those data were quality-assured and recorded in AQS. For today's proposed action, EPA has reviewed all $PM_{2.5}$ monitoring data after 2010 from the seven $PM_{2.5}$ monitoring stations, and that data indicates that the Atlanta Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS.

As shown in Table 1 below, the monitors in the Atlanta Area that have collected complete data since 2010 all have three-year average $PM_{2.5}$ concentrations (*i.e.,* design values) that are in attainment with the 1997 Annual $PM_{2.5}$ NAAQS and are trending downward overall. The most recent available design value is for 2014 and is based on the 3-year period 2012–2014. The Fire Station No. 8 monitor had incomplete data during the 3rd quarter of 2012 and is not eligible for the high value data substitution test in 40 CFR part 50, Appendix N. However, based upon the analysis described in the monitoring Technical Support Document (TSD) located in the docket for today's action, EPA has preliminarily determined that the upper end of the probable range for the 2014 design value at the Fire Station No. 8 monitor (11.1 μg/m³) is well below the NAAQS. On the basis of this review, EPA has preliminarily concluded that the Atlanta Area continues to meet the 1997 Annual $PM_{2.5}$ NAAQS of 15.0 μg/m³ for the period 2012–2014, the most recent 3-year period of certified data availability.

TABLE 1—DESIGN VALUE CONCENTRATIONS FOR THE ATLANTA AREA FOR THE 1997 ANNUAL $PM_{2.5}$ NAAQS

[μg/m³]

Location	Site ID	3-Year design values				
		2008–2010	2009–2011	2010–2012	2011–2013	2012–2014
Georgia DOT	13–063–0091	12.9	12.6	12.3	11.1	10.3
GA National Guard	13–067–0003	12.3	*11.7	*11.3	*10.4	10.0
Powder Springs #	13–067–0004	*11.9	*11.3	11.1	NA	NA
South DeKalb	13–089–0002	12.1	11.9	11.5	10.5	9.9
Police Dept. #	13–089–2001	12.3	*11.8	*11.3	NA	NA
E. Rivers School #	13–121–0032	12.3	*11.8	*11.3	NA	NA
Fire Station No. 8	13–121–0039	*11.4	13.2	13.0	*11.6	*11.0
Gwinnett Tech	13–135–0002	12.1	*11.6	*11.2	*10.1	9.5
Gainesville	13–139–0003	11.2	10.7	10.4	9.5	8.9
Yorkville	13–223–0003	11.0	*10.6	*10.3	*9.3	8.7

* Data is incomplete.
# Monitor shut down at the end of 2012 in accordance the State's federally approved monitoring network plan.

The most recent data indicate the Atlanta Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS beyond the submitted 3-year attainment period of 2008–2010. If the Area does not continue to attain before EPA finalizes the redesignation, EPA will not go forward with the redesignation. As discussed in more detail below, GA EPD has committed to continue monitoring in this Area in accordance with 40 CFR part 58.

Criteria (5)—Georgia Has Met All Applicable Requirements Under Section 110 and Part D of the CAA; and Criteria (2)—Georgia Has a Fully Approved SIP Under Section 110(k) for the Atlanta Area

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the state has met all applicable requirements under section 110 and part D of title I of the CAA (CAA section 107(d)(3)(E)(v)) and that the state has a fully approved SIP under section 110(k) for the area (CAA section 107(d)(3)(E)(ii)). EPA proposes to find that Georgia has met all applicable SIP requirements for the Atlanta Area under section 110 of the CAA (general SIP requirements) and that the Georgia SIP satisfies the criterion that it meets applicable SIP requirements for purposes of redesignation under part D of title I of the CAA (requirements specific to 1997 Annual $PM_{2.5}$ nonattainment areas) in accordance with section 107(d)(3)(E)(v). Further, EPA proposes to determine that the SIP is fully approved with respect to all requirements applicable for purposes of redesignation in accordance with section 107(d)(3)(E)(ii). In making these determinations, EPA ascertained which requirements are applicable to the Area and, if applicable, that they are fully approved under section 110(k). SIPs must be fully approved only with respect to requirements that were applicable prior to submittal of the complete redesignation request.

a. The Atlanta Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA

General SIP requirements. Section 110(a)(2) of title I of the CAA delineates the general requirements for a SIP, which include enforceable emissions limitations and other control measures, means, or techniques; provisions for the establishment and operation of appropriate devices necessary to collect data on ambient air quality; and programs to enforce the limitations. General SIP elements and requirements are delineated in section 110(a)(2) of title I, part A of the CAA. These requirements include, but are not limited to, the following: Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; implementation of a source permit program; provisions for the

[5] The design value for an area is the highest 3-year average of annual mean concentrations recorded at any monitor in the area. Therefore, the 3-year design value for the period on which Georgia based its redesignation request (2008–2010) for the Atlanta Area is 12.9 μg/m³, which is below the 1997 Annual $PM_{2.5}$ NAAQS. Additional details can be found in EPA's final clean data determination for the Atlanta Area. *See* 76 FR 76620 (December 8, 2011).

implementation of part C requirements (Prevention of Significant Deterioration (PSD)) and provisions for the implementation of part D requirements (NSR permit programs); provisions for air pollution modeling; and provisions for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) requires that SIPs contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA has required certain states to establish programs to address the interstate transport of air pollutants. The section 110(a)(2)(D) requirements for a state are not linked with a particular nonattainment area's designation and classification in that state. EPA believes that the requirements linked with a particular nonattainment area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area in the state. Thus, EPA does not believe that the CAA's interstate transport requirements should be construed to be applicable requirements for purposes of redesignation.

In addition, EPA believes other section 110 elements that are neither connected with nonattainment plan submissions nor linked with an area's attainment status are not applicable requirements for purposes of redesignation. The area will still be subject to these requirements after the area is redesignated. The section 110 and part D requirements which are linked with a particular area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. This approach is consistent with EPA's existing policy on applicability (*i.e.,* for redesignations) of conformity and oxygenated fuels requirements, as well as with section 184 ozone transport requirements. *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174–53176, October 10, 1996), (62 FR 24826, May 7, 1997); Cleveland-Akron-Loraine, Ohio, final rulemaking (61 FR 20458, May 7, 1996); and Tampa, Florida, final rulemaking at (60 FR 62748, December 7, 1995). *See also* the discussion on this issue in the Cincinnati, Ohio, redesignation (65 FR 37890, June 19, 2000) and in the Pittsburgh, Pennsylvania, redesignation (66 FR 50399, October 19, 2001).

In any event, on October 25, 2012, EPA approved all infrastructure SIP elements required under section 110(a)(2) for the 1997 Annual $PM_{2.5}$ NAAQS with the exception of the visibility element under section 110(a)(2)(D)(i)(II) (also known as ''prong 4''). *See* 77 FR 65125. EPA approved prong 4 for the 1997 Annual $PM_{2.5}$ NAAQS on May 7, 2014. *See* 79 FR 26143. These requirements are statewide requirements that are not linked to the $PM_{2.5}$ nonattainment status of the Atlanta Area, and thus, as stated above, EPA does not believe these section 110 elements to be applicable for purposes of this redesignation. Therefore, EPA believes it has approved all SIP elements under section 110 that must be approved as a prerequisite for the redesignation to attainment of the Atlanta Area.

Title I, Part D, subpart 1 applicable SIP requirements. EPA proposes to determine that the Georgia SIP meets the applicable SIP requirements for the Atlanta Area for purposes of redesignation under part D of the CAA. Subpart 1 of part D, found in sections 172–176 of the CAA, sets forth the basic nonattainment requirements applicable to all nonattainment areas. All areas that were designated nonattainment for the 1997 Annual $PM_{2.5}$ NAAQS were designated under subpart 1 of the CAA. For purposes of evaluating this redesignation request, the applicable part D, subpart 1 SIP requirements for all nonattainment areas are contained in sections 172(c)(1)–(9) and in section 176. A thorough discussion of the requirements contained in sections 172 and 176 can be found in the General Preamble for Implementation of title I. *See* 57 FR 13498 (April 16, 1992). Section VI of this proposed rulemaking notice discusses the relationship between this proposed redesignation action and subpart 4 of Part D.

Subpart 1 Section 172 Requirements. Section 172(c)(1) requires the plans for all nonattainment areas to provide for the implementation of all reasonably available control measures (RACM) as expeditiously as practicable and to provide for attainment of the NAAQS. EPA interprets this requirement to impose a duty on all nonattainment areas to consider all available control measures and to adopt and implement such measures as are reasonably available for implementation in each area as components of the area's attainment demonstration. Under section 172, states with nonattainment areas must submit plans providing for timely attainment and meeting a variety of other requirements. However, pursuant to 40 CFR 51.1004(c), EPA's final determination that the Atlanta Area is attaining the $PM_{2.5}$ standard suspended Georgia's obligation to submit most of the attainment planning requirements that would otherwise apply.

EPA's longstanding interpretation of the nonattainment planning requirements of section 172 is that once an area is attaining the NAAQS, those requirements are not ''applicable'' for purposes of CAA section 107(d)(3)(E)(ii) and therefore need not be approved into the SIP before EPA can redesignate the area. In the 1992 General Preamble for Implementation of Title I, EPA set forth its interpretation of applicable requirements for purposes of evaluating redesignation requests when an area is attaining a standard. *See* 57 FR 13498, 13564 (April 16, 1992). EPA noted that the requirements for reasonable further progress (RFP) and other measures designed to provide for attainment do not apply in evaluating redesignation requests because those nonattainment planning requirements ''have no meaning'' for an area that has already attained the standard. *Id.* This interpretation was also set forth in the Calcagni Memorandum. EPA's understanding of section 172 also forms the basis of its Clean Data Policy, which was articulated with regard to $PM_{2.5}$ in 40 CFR 51.1004(c), and suspends a state's obligation to submit most of the attainment planning requirements that would otherwise apply, including an attainment demonstration and planning SIPs to provide for RFP, RACM, and contingency measures under section 172(c)(9).[6] Courts have upheld EPA's interpretation of section 172(c)(1)'s ''reasonably available'' control measures and control technology as meaning only those controls that advance attainment, which precludes the need to require additional measures where an area is already attaining. *NRDC* v. *EPA,* 571 F.3d 1245, 1252 (D.C. Cir. 2009); *Sierra Club* v. *EPA,* 294 F.3d 155, 162 (D.C. Cir. 2002); *Sierra Club* v. *EPA,* 314 F.3d 735, 744 (5th Cir. 2002).

Therefore, because attainment has been reached in the Atlanta Area, no additional measures are needed to provide for attainment, and section 172(c)(1) requirements for an attainment demonstration and RACM are no longer considered to be applicable for purposes of redesignation as long as the Area continues to attain the standard until

[6] This regulation was promulgated as part of the 1997 $PM_{2.5}$ NAAQS implementation rule that was subsequently challenged and remanded in *NRDC* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013), as discussed in Section VI of this notice. However, the Clean Data Policy portion of the implementation rule was not at issue in that case.

redesignation. The section 172(c)(2) requirement that nonattainment plans contain provisions promoting reasonable further progress toward attainment is also not relevant for purposes of redesignation because EPA has determined that the Atlanta Area has monitored attainment of the 1997 Annual $PM_{2.5}$ NAAQS. In addition, because the Atlanta Area has attained the 1997 Annual $PM_{2.5}$ NAAQS and is no longer subject to a RFP requirement, the requirement to submit the section 172(c)(9) contingency measures is not applicable for purposes of redesignation. Section 172(c)(6) requires the SIP to contain control measures necessary to provide for attainment of the NAAQS. Because attainment has been reached, no additional measures are needed to provide for attainment.

Section 172(c)(3) requires submission for approval a comprehensive, accurate, and current inventory of actual emissions. On March 1, 2012, EPA approved Georgia's 2002 base-year emissions inventory for the Atlanta Area. *See* 77 FR 12487.

Section 172(c)(4) requires the identification and quantification of allowable emissions for major new and modified stationary sources to be allowed in an area, and section 172(c)(5) requires source permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. EPA has determined that, since PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that a NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without part D NSR. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled ''Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment.'' Georgia has demonstrated that the Atlanta Area will be able to maintain the NAAQS without part D NSR in effect, and therefore Georgia need not have fully approved part D NSR programs prior to approval of the redesignation request. Georgia's PSD program will become effective in the Atlanta Area upon redesignation to attainment.

Section 172(c)(7) requires the SIP to meet the applicable provisions of section 110(a)(2). As noted above, EPA believes the Georgia SIP meets the requirements of section 110(a)(2) applicable for purposes of redesignation.

176 Conformity Requirements. Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that federally-supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects that are developed, funded, or approved under title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity) as well as to all other federally-supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with federal conformity regulations relating to consultation, enforcement, and enforceability that EPA promulgated pursuant to its authority under the CAA.

EPA believes that it is reasonable to interpret the conformity SIP requirements[7] as not applying for purposes of evaluating the redesignation request under section 107(d) because state conformity rules are still required after redesignation and federal conformity rules apply where state rules have not been approved. *See Wall* v. *EPA,* 265 F.3d 426 (upholding this interpretation) (6th Cir. 2001); *See* 60 FR 62748 (December 7, 1995). Nonetheless, Georgia has an approved conformity SIP for the Atlanta Area. *See* 77 FR 35866 (June 15, 2012).

Thus, for the reasons discussed above, the Atlanta Area has satisfied all applicable requirements for purposes of redesignation under section 110 and part D of the CAA.

b. The Atlanta Area Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

EPA has fully approved the applicable Georgia SIP for the Atlanta Area for the 1997 Annual $PM_{2.5}$ NAAQS under section 110(k) of the CAA for all requirements applicable for purposes of redesignation. EPA may rely on prior SIP approvals in approving a redesignation request (*see* Calcagni Memorandum at p. 3; *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984 (6th Cir. 1998); *Wall,* 265 F.3d 426) plus any additional measures it may approve in conjunction with a redesignation action. *See* 68 FR 25426 (May 12, 2003) and citations therein. Following passage of the CAA of 1970, Georgia has adopted and submitted, and EPA has fully approved at various times, provisions addressing the various SIP elements applicable for the 1997 Annual $PM_{2.5}$ NAAQS in the Atlanta Area (*e.g.,* 77 FR 65125 (October 25, 2012)).

As indicated above, EPA believes that the section 110 elements that are neither connected with nonattainment plan submissions nor linked to the area's nonattainment status are not applicable requirements for purposes of redesignation. EPA has approved all part D requirements applicable for purposes of this redesignation.

Criteria (3)—The Air Quality Improvement in the Atlanta Area Is Due to Permanent and Enforceable Reductions in Emissions Resulting From Implementation of the SIP and Applicable Federal Air Pollution Control Regulations and Other Permanent and Enforceable Reductions

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable reductions (CAA section 107(d)(3)(E)(iii)). EPA has preliminarily determined that Georgia has demonstrated that the observed air quality improvement in the Atlanta Area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and Federal measures.

Federal measures enacted in recent years have resulted in permanent emission reductions in particulate matter and its precursors. Most of these emission reductions are enforceable through regulations. A few non-regulatory measures also result in emission reductions. The Federal measures that have been implemented include:

Tier 2 vehicle standards and low-sulfur gasoline. Implementation of the Tier 2 vehicle standards began in 2004, and as newer, cleaner cars enter the national fleet, these standards continue to significantly reduce NO_X emissions. The standards require all classes of passenger vehicles in any manufacturer's fleet to meet an average standard of 0.07 grams of NO_X per mile. In addition, starting in January of 2006, the Tier 2 rule reduced the allowable sulfur content of gasoline to 30 parts per million (ppm). Most gasoline sold prior to this had a sulfur content of approximately 300 ppm. EPA expects

[7] CAA Section 176(c)(4)(E) requires states to submit revisions to their SIPs to reflect certain federal criteria and procedures for determining transportation conformity. Transportation conformity SIPs are different from the motor vehicle emission budgets that are established in control strategy SIPs and maintenance plans.

that these standards will reduce NO_X emissions from vehicles by approximately 74 percent by 2030, translating to nearly 3 million tons annually by 2030.

Heavy-duty gasoline and diesel highway vehicle standards & ultra low-sulfur diesel rule. On October 6, 2000, EPA promulgated a rule to reduce NO_X and VOC emissions from heavy-duty gasoline and diesel highway vehicles that began to take effect in 2004. *See* 65 FR 59896. On January 18, 2001, EPA promulgated a second phase of standards and testing procedures which began in 2007 to reduce particulate matter emissions from heavy-duty highway engines and reduced the maximum highway diesel fuel sulfur content from 500 ppm to 15 ppm. *See* 66 FR 5002. The total program should achieve a 90 percent reduction in PM emissions and a 95 percent reduction in NO_X emissions for new engines using low-sulfur diesel, compared to existing engines using higher-content sulfur diesel. EPA expects that this rule will reduce NO_X emissions by 2.6 million tons by 2030 when the heavy-duty vehicle fleet is completely replaced with newer heavy-duty vehicles that comply with these emission standards.

Non-road, large spark-ignition engines and recreational engines standards. The non-road spark-ignition and recreational engine standards, effective in July 2003, regulate NO_X, hydrocarbons, and carbon monoxide from groups of previously unregulated non-road engines. These engine standards apply to large spark-ignition engines (*e.g.,* forklifts and airport ground service equipment), recreational vehicles (*e.g.,* off-highway motorcycles and all-terrain-vehicles), and recreational marine diesel engines sold in the United States and imported after the effective date of these standards. When all of the non-road spark-ignition and recreational engine standards are fully implemented, an overall 72 percent reduction in hydrocarbons, 80 percent reduction in NO_X, and 56 percent reduction in carbon monoxide emissions are expected by 2020. These controls help reduce ambient concentrations of $PM_{2.5}$.

Large non-road diesel engine standards. This rule, which applies to diesel engines used in industries such as construction, agriculture, and mining, was promulgated in 2004 and fully phased in by 2014. This rule reduced allowable non-road diesel fuel sulfur levels from approximately 3,000 ppm to 500 ppm in 2007 and further reduced those levels to 15 ppm starting in 2010 (a 99 percent reduction). This rule also achieved significant reductions of up to 90 percent for NO_X and particulate matter emissions nationwide.

NO_X SIP Call. On October 27, 1998 (63 FR 57356), EPA issued the NO_X SIP Call requiring the District of Columbia and 22 states to reduce emissions of NO_X, a precursor to ozone and $PM_{2.5}$ pollution, and providing a mechanism (the NO_X Budget Trading Program) that states could use to achieve those reductions. Affected states were required to comply with Phase I of the SIP Call beginning in 2004 and Phase II beginning in 2007. By the end of 2008, ozone season NO_X emissions from sources subject to the NO_X SIP Call dropped by 62 percent from 2000 emissions levels. All NO_X SIP Call states have SIPs that currently satisfy their obligations under the NO_X SIP Call, and EPA will continue to enforce the requirements of the NO_X SIP Call.

CAIR and CSAPR. In its redesignation request and maintenance plan, the State identified the Clean Air Interstate Rule (CAIR) as a permanent and enforceable measure that contributed to attainment in the Atlanta Area. Moreover, by 2007, the beginning of the attainment time period identified by Georgia, CAIR had been promulgated and was achieving emission reductions. CAIR created regional cap-and-trade programs to reduce SO_2 and NO_X emissions in 27 eastern states, including Georgia, that contributed to downwind nonattainment or interfered with maintenance of the 1997 8-hour ozone NAAQS and the 1997 $PM_{2.5}$ NAAQS. *See* 70 FR 25162 (May 12, 2005).

In 2007 the State promulgated Georgia Rules 391–3–1–.02(2)(sss)—''Multipollutant Rule'' (Rule (sss)) and 391–3–1–.02(2)(uuu)—''SO_2 Emissions from Electric Steam Utility Steam Generating Units'' (Rule (uuu)) in response to CAIR. Rule (sss) requires the installation and operation of flue gas desulfurization (FGD) to control SO_2 emissions and selective catalytic reduction (SCR) to control NO_X emissions on the majority of the coal-fired electric generating units (EGUs) in Georgia, and Rule (uuu) requires a 95 percent reduction in SO_2 emissions from those EGUs. Thus, Rules (sss) and (uuu) act as companion rules for the reduction of SO_2 emissions, with Rule (sss) requiring control equipment installation and Rule (uuu) imposing SO_2 emission limitations. Georgia designed Rules (sss) and (uuu) to require emissions reductions consistent with achieving the reductions mandated by CAIR's original compliance schedule beginning in 2009. The implementation dates for Rules (sss) and (uuu) are phased-in across the covered EGUs, starting on December 31, 2008, for Rule (sss) and January 1, 2010, for Rule (uuu).[8] By installing and operating FGD and SCR controls in accordance with Rule (sss), Georgia EGUs also met the requirements of CAIR.

In 2008 the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) initially vacated CAIR, *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated the Cross-State Air Pollution Rule (CSAPR) to replace CAIR and thus to address the interstate transport of emissions contributing to nonattainment and interfering with maintenance of the two air quality standards covered by CAIR as well as the 2006 $PM_{2.5}$ NAAQS. CSAPR requires substantial reductions of SO_2 and NO_X emissions from EGUs in 28 states in the Eastern United States. As a general matter, because CSAPR is CAIR's replacement, emissions reductions associated with CAIR will for most areas be made permanent and enforceable through implementation of CSAPR.

Numerous parties filed petitions for review of CSAPR in the D.C. Circuit, and on August 21, 2012, the court issued its ruling, vacating and remanding CSAPR to EPA and ordering continued implementation of CAIR. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The D.C. Circuit's vacatur of CSAPR was reversed by the United States Supreme Court on April 29, 2014, and the case was remanded to the D.C. Circuit to resolve remaining issues in accordance with the high court's ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). On remand, the D.C. Circuit affirmed CSAPR in most respects, but invalidated without vacating some of the CSAPR budgets as to a number of states. *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118

[8] Rule (sss) established the following 2008–2010 deadlines for FGD operation: December 31, 2008, at Plant Bowen Units 3 and 4, Plant Hammond Units 1 through 4, Plant Wansley Unit 1, and Plant Yates Unit 1; June 1, 2009, at Plant Bowen Unit 2; December 31, 2009, at Plant Wansley Unit 2; and June 1, 2010, at Plant Bowen Unit 1. The Rule established the following 2008–2010 deadlines for SCR operation: December 31, 2008, at Plant Bowen Units 3 and 4, Plant Hammond Unit 4, and Plant Wansley Unit 1; June 1, 2009, at Plant Bowen Unit 2; December 31, 2009, at Plant Wansley Unit 2; and June 1, 2010, at Plant Bowen Unit 1. Plants Bowen and Wansley are located in the Atlanta Area, and Plant Hammond is located in Floyd County, Georgia, which is adjacent to the northwestern portion of the Atlanta Area.

(D.C. Cir. 2015) (*EME Homer City II*). The remanded budgets include the Phase 2 SO_2 emissions budgets for Georgia. The Phase 2 annual and ozone season NO_X budgets for Georgia are not affected by the Court's decision. The litigation over CSAPR ultimately delayed implementation of that rule for three years, from January 1, 2012, when CSAPR's cap-and-trade programs were originally scheduled to replace the CAIR cap-and-trade programs, to January 1, 2015. Thus, the rule's Phase 2 budgets were originally promulgated to begin on January 1, 2014, and are now scheduled to begin on January 1, 2017. CSAPR will continue to operate under the existing emissions budgets until EPA addresses the D.C. Circuit's remand.

Although the State identified CAIR as a permanent and enforceable measure that contributed to attainment of the 1997 $PM_{2.5}$ NAAQS in the Atlanta Area, EPA is proposing to approve the redesignation of the Atlanta Area without relying the SO_2 emissions reductions associated with CAIR at Georgia EGUs as having led to attainment of the 1997 $PM_{2.5}$ NAAQS or contributing to maintenance of that standard.[9] In so doing, we are proposing to determine that the D.C. Circuit's invalidation of the Georgia CSAPR Phase 2 SO_2 emissions budgets does not bar today's proposed redesignation. The Court's decision did not affect Georgia's CSAPR Phase 2 annual NO_X emissions budgets; therefore, CSAPR ensures that the NO_X emissions reductions associated with CAIR at Georgia EGUs are permanent and enforceable.[10]

In its redesignation request, Georgia noted that a number of states significantly contributed to $PM_{2.5}$ concentrations in the Atlanta Area based on EPA air quality modeling. EPA identified the Atlanta Area as an area that was significantly impacted by pollution transported from other states in both CAIR and CSAPR, and these rules greatly reduced the tons of SO_2 emissions generated in the states upwind of the Atlanta Area. The air quality modeling performed for the CAIR rulemaking identified the following seven states as having significantly contributed to $PM_{2.5}$ concentrations in the Atlanta Area: Alabama, Florida, Indiana, Kentucky, Ohio, South Carolina, and Tennessee. *See* 70 FR 25162, 25247–49 (May 12, 2005). The total annual SO_2 emissions generated by EGUs in these seven states in 2004, prior to the promulgation of CAIR in 2005, was approximately 3,814,790 tons. Even though the first phase of CAIR implementation for SO_2 did not begin until 2010, many sources began reducing their emissions well in advance of the first compliance deadline because of the incentives offered by CAIR for early compliance with the rule. Therefore, by 2008, the total annual SO_2 emissions generated by EGUs in the seven states significantly contributing to nonattainment in the Atlanta Area was approximately 2,636,952 tons, and by 2010, that volume had decreased to approximately 1,814,572 tons.[11] The vast majority of the SO_2 emission reductions in the states upwind of the Atlanta Area achieved by CAIR, and made permanent by CSAPR, are unaffected by the D.C. Circuit's remand of CSAPR.[12]

Regarding the impact of SO_2 emission reductions from Georgia EGUs associated with CAIR, EPA is proposing to determine that the Atlanta Area would have attained the 1997 $PM_{2.5}$ NAAQS even without those in-state EGU reductions. The Agency has reviewed an analysis submitted by the State on January 10, 2015, and revised on November 3, 2015, evaluating the sensitivity of $PM_{2.5}$ concentrations in the Area to SO_2 reductions associated with Rule (sss).[13] The analysis was based on photochemical modeling conducted by the Visibility Improvement State and Tribal Association of the Southeast (VISTAS). The State used this modeling to determine the sensitivity of $PM_{2.5}$ concentrations at the ten air quality monitors in the Atlanta Area to reductions in SO_2 emissions from certain Georgia EGUs. The State then estimated, for each monitor, the air quality impact of the SO_2 emission reductions from Georgia Rule (sss),[14] and thus from CAIR, that occurred during the relevant time period. Georgia estimated that the SO_2 controls in place due to Rule (sss) by the end of 2009 reduced the 2008–2010 Annual $PM_{2.5}$ design value by approximately 0.6 μg/m^3. Adding this impact to the highest 2008–2010 design value for the Atlanta Area, 13.6 μg/m^3 for the Fire Station No. 8 site (with data substitution),[15] yields a maximum $PM_{2.5}$ concentration of 14.2 μg/m^3, meeting the 1997 Annual $PM_{2.5}$ standard of 15 μg/m^3. The State therefore concluded that the Area would have attained the standard in the 2008–2010 timeframe even without the SO_2 emission reductions, in place by the end of 2009, from Georgia Rule (sss).

EPA proposes to agree with this analysis and believes that adding the 0.6 μg/m^3 value to the 2008–2010 design value is a reasonable estimate of the actual impact of the SO_2 emissions reductions due to Rule (sss) and CAIR at Georgia EGUs. For more information about Georgia's sensitivity analysis and EPA's review of that analysis, see the Rule (sss) impact TSD included in the docket for this action.[16]

State Measures. The State identified Rules (sss) and (uuu) and the State's April 16, 2008 smoke management plan as state control measures that contributed to attainment of the 1997 $PM_{2.5}$ NAAQS in the Atlanta Area. Although Georgia describes these state measures in the section of its submittal devoted to ''permanent and enforceable'' reductions under CAA section 107(d)(3)(E)(iii), ''enforceable'' means federally enforceable. Therefore, state measures that are not approved by EPA into a state's SIP are not ''enforceable'' for purposes of the CAA. However, EPA does not believe that the state measures' lack of enforceability poses a bar to proposed approval of the redesignation of the Atlanta Area.

First, as discussed above, EPA proposes to agree with the State's sensitivity analysis demonstrating that the Area would have attained the 1997

[9] The improvement in $PM_{2.5}$ air quality in the Area from nonattainment to attainment is not due to CSAPR emissions reductions because, as noted above, CSAPR did not go into effect until January 1, 2015, after the Area was already attaining the standard.

[10] CAIR and CSAPR established annual NO_X and SO_2 budgets to address nonattainment and interference with maintenance of the $PM_{2.5}$ standard because, as discussed above in Section II, NO_X and SO_2 are two primary $PM_{2.5}$ precursors.

[11] This data was collected through the Acid Rain Program and is available on EPA's CAMD Web site at *http://www2.epa.gov/airmarkets.*

[12] Only two of the seven state Phase 2 SO_2 budgets were remanded by the D.C. Circuit in *EME Homer City II,* and the emissions from these two states represented only 19.5 percent (515,165 tons) of the total SO_2 EGU emissions from the seven significantly contributing states in 2008, 19.3 percent (375,913 tons) in 2009, and 16.5 percent (298,803 tons) in 2010. The CSAPR Phase 2 SO_2 budgets for the remaining five states, and the emissions reductions those budgets require, are unaffected by the Court's remand and are permanent and enforceable. Moreover, updated air quality modeling performed for the CSAPR rulemaking identified additional states that interfered with Atlanta's attainment of the 1997 $PM_{2.5}$ NAAQS, and SO_2 emission reductions from those additional states are unaffected by the D.C. Circuit's remand. 76 FR 48207, 48241 (August 8, 2011).

[13] GA EPD, Sensitivity of Annual $PM_{2.5}$ in Atlanta to SO_2 Emission Reductions Resulting from Georgia's Multipollutant Rule [391–3–1–.02(2)(sss)] (attachment to a November 3, 2015, email from James Boylan, GA EPD, to Joel Huey, EPA Region 4, included in the docket for this action).

[14] By the end of 2009, Rule (sss) required FGD operation at Plant Bowen Units 2 through 4, Plant Hammond Units 1 through 4, Plant Wansley Units 1 and 2, and Plant Yates Unit 1.

[15] EPA's Clean Data Determination for the Atlanta Area describes this data substitution. *See* 76 FR 76620 (December 8, 2011).

[16] EPA Region 4, Technical Support Document for Georgia Rule (sss) Impact Analysis (November 2015).

$PM_{2.5}$ NAAQS even without the SO_2 emission reductions associated with the installation of SO_2 controls on Georgia EGUs subject to Rule (sss) and CAIR. To the extent that the controls required by Rule (sss) also achieved annual NO_X reductions, CSAPR makes those reductions permanent and federally enforceable with its federal implementation plan (FIP) regarding Georgia's annual NO_X emissions budget, which was not affected by the D.C. Circuit's recent remand of other state budgets.[17] Second, to the extent that Rule (uuu) resulted in any reductions before its January 1, 2010, compliance date, Georgia's sensitivity analysis assumed that the FGD controls required by Rule (sss) achieve the 95 percent reduction in SO_2 emissions required by Rule (uuu). Because Georgia's sensitivity analysis demonstrates that Rule (sss) was not necessary for attainment of the NAAQS in the Atlanta Area using emissions reductions associated with a 95 percent reduction in SO_2, the same reduction required by Rule (uuu), the analysis also demonstrates that Rule (uuu) was not necessary for attainment prior to January 1, 2010. Finally, with regard to the State's smoke management plan, that measure is focused on protection of Georgia's forest land. While the SMP may result in some direct PM emission reductions, such reductions are likely to be modest because the SMP is not an emission reduction measure. The SMP was developed as tool to minimize the public health and environmental impacts of smoke intrusion into populated areas through better management of fires that are important to forests and agricultural resources. In addition, the State deemed it important to have an SMP in place for the purpose of flagging unusually large forest fires as exceptional events (which could impact an area's ability to show maintenance through attaining design values). The rule therefore has more impact on rural areas than an urban environment such as Atlanta, where direct $PM_{2.5}$ emissions from fires make up less than one percent of the total direct $PM_{2.5}$ emissions from fires across the State.[18] For these reasons, EPA has not relied on these state-only rules as a basis for proposing approval of the redesignation request and associated maintenance plan.

Criteria (4)—The Atlanta Area Has a Fully Approved Maintenance Plan Pursuant to Section 175A of the CAA

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has a fully approved maintenance plan pursuant to section 175A of the CAA (CAA section 107(d)(3)(E)(iv)). In conjunction with its request to redesignate the Atlanta Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS, GA EPD submitted a SIP revision to provide for the maintenance of the 1997 Annual $PM_{2.5}$ NAAQS for at least 10 years after the effective date of redesignation to attainment. EPA believes that this maintenance plan meets the requirements for approval under section 175A of the CAA for the reasons discussed below.

a. What is required in a maintenance plan?

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, GA EPD must submit a revised maintenance plan which demonstrates that attainment will continue to be maintained for the 10 years following the initial 10-year period. To address the possibility of future NAAQS violations, the maintenance plan must contain such contingency measures, as EPA deems necessary, to assure prompt correction of any future 1997 Annual $PM_{2.5}$ violations. The Calcagni Memorandum provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five requirements: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. As is discussed below, EPA proposes to find that GA EPD's maintenance plan includes all the necessary components and is thus proposing to approve it as a revision to the Georgia SIP.

b. Attainment Emissions Inventory

As noted earlier, EPA has previously determined that the Atlanta Area attained the 1997 Annual $PM_{2.5}$ NAAQS based on monitoring data for the 3-year period from 2008–2010. Today, EPA is proposing to determine that the Atlanta Area has continued to attain the 1997 Annual $PM_{2.5}$ NAAQS up to the most recent 3-year period quality-assured monitoring data, 2012–2014. In its maintenance plan, the State selected 2008 as the attainment emission inventory year. The attainment inventory identifies a level of emissions in the Area that is sufficient to attain the 1997 Annual $PM_{2.5}$ NAAQS. GA EPD began development of the attainment inventory by first generating a baseline emissions inventory for the Atlanta Area. As noted above, the year 2008 was chosen as the base year for developing a comprehensive emissions inventory for direct $PM_{2.5}$ and $PM_{2.5}$ precursors SO_2 and NO_X. To support maintenance through 2024, Georgia prepared emissions projections for the years 2014, 2017, 2020, and 2024.

The emissions inventories are composed of four major types of sources: Point, area, on-road mobile, and non-road mobile. With the exception of on-road emissions, Georgia obtained the 2008 base-year emissions inventory from the National Emissions Inventory 2008 Version 1.5 (*http://www3.epa.gov/ttnchie1/net/2008inventory.html*). Georgia used EPA's MOVES2010a mobile source emissions model to generate 2008 on-road mobile source emissions. The 2008 actual SO_2, NO_X, and $PM_{2.5}$ emissions for the Atlanta Area, as well as the emissions projections through 2024, were developed consistent with EPA guidance and are summarized in Tables 3.1 and 4 through 7.1 of the following subsection discussing the maintenance demonstration.

Section 175A requires a state seeking redesignation to attainment to submit a SIP revision to provide for the maintenance of the NAAQS in the Area ''for at least 10 years after the redesignation.'' EPA has interpreted this as a showing of maintenance ''for a period of ten years following redesignation.'' Calcagni Memorandum, p. 9. Where the emissions inventory method of showing maintenance is used, the purpose is to show that emissions during the maintenance period will not increase over the attainment year inventory. Calcagni Memorandum, pp. 9–10.

As discussed in detail below, Georgia's maintenance plan submission expressly documents that the Area's overall emissions inventories will remain well below the attainment year inventories through 2024. Although the State's maintenance demonstration includes projected emissions reductions from Georgia Rules (sss) and (uuu), EPA believes the plan still demonstrates maintenance as discussed in the following subsection.

[17] 76 FR 48208, August 8, 2011.

[18] *See* 2011 emissions inventory information available at *http://www3.epa.gov/ttn/chief/eiinformation.html.* Georgia also stated that the measure is not necessary for the continued maintenance of attainment in the Atlanta Area.

In addition, for the reasons set forth below, EPA believes that the Area will continue to maintain the 1997 Annual $PM_{2.5}$ NAAQS at least through 2025. Thus, if EPA finalizes its proposed approval of the redesignation request and maintenance plans in 2015, the approval will be based upon this showing, in accordance with section 175A, and EPA's analysis described herein, that the State's maintenance plan provides for maintenance for at least ten years after redesignation.

c. Maintenance Demonstration

The August 30, 2012, submittal includes a maintenance demonstration for the Atlanta Area through 2024. This demonstration uses 2008 as the attainment year; identifies 2024 as the ''out year;'' and includes future emission inventory projections for point, area, on-road mobile, and non-road mobile sources in the Atlanta Area for 2014, 2017, 2020, and 2024 (see Tables 3–7, below). The emissions projections for 2014 and 2020 provide reference points for periodic assessment of maintenance of the NAAQS and were estimated using 2008 actuals and 2017 and 2024 projections. Appendix C of Georgia's 2012 submittal describes the methodology used by the State to prepare the actual and projected emissions inventories.

The future emissions inventory projections in the State's maintenance demonstration include reductions from the implementation of Georgia Rules (sss) and (uuu). However, as discussed above, these two State rules are not permanent and enforceable measures for the purposes of redesignation. EPA therefore recalculated the projected 2014, 2017, 2020, and 2024 point source emissions in the Atlanta Area by removing projected Rule (sss) and Rule (uuu) NO_X, SO_2, and $PM_{2.5}$ emissions reductions [19] and replacing these reductions with only those NO_X, SO_2, and $PM_{2.5}$ reductions from permanent and enforceable shutdowns at Plant Branch Units 1 through 4 and Plant Yates Units 1 through 5 and from permanent and enforceable conversions from coal to natural gas at Plant Yates Units 6 and 7.[20] Georgia did not incorporate the emissions reductions resulting from these shutdowns and conversions in its maintenance demonstration because they were not anticipated by the State at the time of its 2012 submittal.

EPA removed the emissions reductions attributed to Georgia Rules (sss) and (uuu) from the State's emissions projections by assuming that NO_X, SO_2, and $PM_{2.5}$ emissions from EGUs in the Atlanta Area were not reduced through Rules (sss) and (uuu) after 2008 and added the reductions from the aforementioned shutdowns and conversions.[21] Table 2.1 identifies the EGU emissions included in the State's maintenance demonstration, and Table 2.2 identifies the EGU emissions included in EPA's recalculated point source emission projections for the Atlanta Area.

TABLE 2.1—EGU EMISSIONS, ACTUAL (2008) AND PROJECTED FOR THE ATLANTA AREA

[Tons]

Pollutant	2008	2014	2017	2020	2024
SO_2	410,496	169,176	48,516	49,781	50,413
NO_X	76,178	40,535	22,713	23,372	23,702
$PM_{2.5}$	4,938	3,760	3,171	3,296	3,358

TABLE 2.2—EGU EMISSIONS, ACTUAL (2008) AND PROJECTED FOR THE ATLANTA AREA, REVISED TO INCLUDE ONLY EGU SHUTDOWNS AND NATURAL GAS CONVERSIONS

[Tons]

Pollutant	2008	2014	2017	2020	2024
SO_2	410,496	294,859	237,040	243,210	246,294
NO_X	76,177	58,173	49,171	50,519	51,193
$PM_{2.5}$	4,937	4,724	4,618	4,781	4,862

Table 3.1 shows the 2008 actual point source emissions and the projected future year point source emissions in the Atlanta Area provided by the State in its 2012 submittal. Table 3.2 shows the 2008 actual point source emissions and projected future year point source emissions using EPA's EGU projections shown in Table 2.2, above.

TABLE 3.1—POINT SOURCE EMISSIONS, ACTUAL (2008) AND PROJECTED FOR THE ATLANTA AREA

[Tons]

Pollutant	2008	2014	2017	2020	2024
SO_2	413,478	172,170	51,697	52,601	53,803
NO_X	80,785	45,489	27,867	28,535	29,423

[19] Although, as discussed above, the NO_X emission reductions associated with Rule (sss) are permanent and enforceable through CSAPR, EPA recalculated the projected point source emissions without anticipated Rule (sss) NO_X reductions to generate a conservative maintenance demonstration.

[20] Georgia Power retired Plant Branch Unit 2 in September 2013; retired Plant Branch Units 1, 3, and 4 and Plant Yates Units 1–5 in April 2015; and converted Plant Yates Units 6 and 7 from coal to natural gas in May 2015. Georgia Power certified under penalty of law that the retirements are permanent in Retired Unit Exemption (RUE) forms submitted to EPA under the Acid Rain, CAIR, and CSAPR programs. The Plant Yates retirements and conversions occurred through a Title V permit amendment effective on August 29, 2014. Yates Steam-Electric Generating Plant Part 70 Operating Permit Amendment No. 4911–077–0001–V–03–5. This Title V permit amendment and the RUE forms discussed above are included in the docket.

[21] EPA estimated the emissions reductions associated with Rules (sss) and (uuu) and with the shutdowns and conversions to natural gas using emissions projections provided by GA EPD on November 13, 2015. These projections are included in the docket for today's action.

TABLE 3.1—POINT SOURCE EMISSIONS, ACTUAL (2008) AND PROJECTED FOR THE ATLANTA AREA—Continued

[Tons]

Pollutant	2008	2014	2017	2020	2024
$PM_{2.5}$	5,637	4,541	3,993	4,120	4,288

TABLE 3.2—POINT SOURCE EMISSIONS, ACTUAL (2008) AND PROJECTED FOR THE ATLANTA AREA, REVISED TO INCLUDE ONLY EGU SHUTDOWNS AND NATURAL GAS CONVERSIONS

[Tons]

Pollutant	2008	2014	2017	2020	2024
SO_2	413,478	297,974	240,221	246,530	249,684
NO_X	80,785	63,145	54,325	56,051	56,914
$PM_{2.5}$	5,637	5,506	5,440	5,675	5,792

Tables 4 through 6 show the actual and projected non-point, on-road mobile, and non-road mobile source emissions for the Atlanta Area as provided in the State's 2012 submittal. These emissions are not impacted by Rules (sss) and (uuu) because these rules only apply to certain EGUs.

TABLE 4—NON-POINT SOURCE EMISSION, ACTUAL (2008) AND PROJECTED FOR THE ATLANTA AREA

[Tons]

Pollutant	2008	2014	2017	2020	2024
SO_2	10,237	10,557	10,717	10,884	11,107
NO_X	21,193	23,531	24,698	25,916	27,537
$PM_{2.5}$	35,686	40,052	42,232	44,072	46,520

TABLE 5—ON-ROAD MOBILE SOURCE EMISSIONS, ACTUAL (2008) AND PROJECTED FOR THE ATLANTA AREA

[Tons]

Pollutant	2008	2014	2017	2020	2024
SO_2	725	629	581	533	469
NO_X	128,955	93,806	76,258	58,675	35,272
$PM_{2.5}$	4,662	3,529	2,963	2,397	1,642

TABLE 6—NON-ROAD EMISSIONS, ACTUAL (2008) AND PROJECTED FOR THE ATLANTA AREA

[Tons]

Pollutant	2008	2014	2017	2020	2024
SO_2	1,675	1,516	1,437	1,553	1,708
NO_X	40,599	34,086	30,835	29,747	28,298
$PM_{2.5}$	2,827	2,360	2,127	1,967	1,755

Below, Table 7.1 shows the 2008 actual emissions from all source sectors and the projected future year emissions from all source sectors in the Atlanta Area provided by the State. Table 7.2 reflects EPA's revisions to the point-source emissions projections shown in Table 3.2, above.

TABLE 7.1—ALL SECTOR EMISSIONS, ACTUAL (2008) AND PROJECTED EMISSIONS FOR THE ATLANTA AREA

[Tons]

Pollutant	2008	2014	2017	2020	2024
SO_2	426,115	184,873	64,433	65,572	67,088
NO_X	271,531	196,912	159,659	142,873	120,530
$PM_{2.5}$	48,811	50,482	51,316	52,556	54,205

TABLE 7.2—ALL SECTOR EMISSIONS, ACTUAL (2008) AND PROJECTED EMISSIONS FOR THE ATLANTA AREA, REVISED WITH EPA'S POINT-SOURCE EMISSIONS PROJECTIONS

[Tons] [22]

Pollutant	2008	2014	2017	2020	2024
SO_2	426,115	310,677	252,957	257,248	262,969
NO_X	271,531	214,589	186,117	173,715	157,179
$PM_{2.5}$	48,811	51,446	52,763	54,299	56,348

The results of EPA's analysis, shown in Table 7.2, show that future emissions for NO_X and SO_2 are expected to be well below 2008 ''attainment level'' emissions without Georgia Rules (sss) and (uuu), while direct $PM_{2.5}$ emissions are expected to increase slightly. In situations where local emissions are the primary contributor to nonattainment, such as the Atlanta Area, if the future projected emissions in the nonattainment area remain at or below the baseline emissions in the nonattainment area, then the ambient air quality standard should not be exceeded in the future. As explained below, EPA proposes to find that the overall emission projections illustrate that the Atlanta Area is expected to continue to attain the 1997 $PM_{2.5}$ NAAQS through 2025. Moreover, as noted earlier, the Atlanta Area was identified in EPA's federal interstate transport rulemakings—CAIR and CSAPR—as an area that was projected to have problems with nonattainment and maintenance of the 1997 $PM_{2.5}$ NAAQS due to transported pollution from other states. Continued implementation of CSAPR in the vast majority of those upwind states will also help the Atlanta Area maintain the standard.

As shown in Table 7.2, EPA projects that SO_2 and NO_X emissions will decline by approximately 38 percent and 42 percent, respectively, from 2008 to 2024 without Georgia Rules (sss) and (uuu). This decrease is due to the implementation of Federal controls during the first half of the maintenance period and to the permanent and enforceable shutdowns and conversions discussed above. Emissions of $PM_{2.5}$ are expected to increase by approximately 15.4 percent (7,537 tons) from 2008 through 2024 due to projected increases in non-point source $PM_{2.5}$ emissions. Therefore, EPA further evaluated whether the increase in $PM_{2.5}$ emissions, in combination with the decreases in SO_2 and NO_X emissions, would provide for maintenance of the standard.

Because the relationship between pollutant emissions and ambient air quality is different for each of the three pollutants, the changes in emissions for each pollutant must be weighted according to the air quality impact of each pollutant. To evaluate this relationship, the State examined speciation data available from the EPA Air Explorer Web site for 2007–2009 for the DeKalb County monitor (13–089–0002). The 3-year average of this data suggests that ambient $PM_{2.5}$ in Atlanta consists of approximately 40.7 percent sulfate; 1.2 percent nitrate; 50.1 percent organic particulate matter (which consists of directly-emitted primary organic matter and atmospherically formed secondary organic aerosol); 4.2 percent miscellaneous inorganic particulate matter; and 3.7 percent other types of particulate matter. Therefore, using a conservative assumption that all of the organic particulate matter is primary organic matter, the direct $PM_{2.5}$ species make up approximately 54.3 percent of the total ambient $PM_{2.5}$.

A conservative approach assumes the full ambient concentration of organic particulate matter plus miscellaneous inorganic particulate matter will vary in accordance with changes in total nonattainment area emissions of direct $PM_{2.5}$. This analysis thus assumes that the component of ambient $PM_{2.5}$ attributable to direct $PM_{2.5}$ species will increase by the same percentage as the percentage increase in direct $PM_{2.5}$ emissions projected for the Atlanta Area (*i.e.,* 15.4 percent). The baseline concentration is conservatively assumed to be 15.0 $\mu g/m^3$, and direct $PM_{2.5}$ is estimated to contribute 54.3 percent, or 8.1 $\mu g/m^3$, of that baseline. Thus, a 15.4 percent increase in the 8.1 $\mu g/m^3$ of the direct $PM_{2.5}$ component would suggest a resulting 1.2 $\mu g/m^3$ increase in the ambient concentration. As discussed earlier, the highest 2008–2010 design value for the Atlanta Area was 13.6 $\mu g/m^3$ (with data substitution) and the 2011–2014 design value is 11.1 $\mu g/m^3$ (with data substitution). Thus, even if the design value were to increase by 1.2 $\mu g/m^3$, the standard of 15 $\mu g/m^3$ would still be met. Furthermore, the projected increase in direct $PM_{2.5}$ emissions (approximately 7,537 tons) will be at least partially, if not fully, offset by a significant decrease in sulfate and nitrate emissions, resulting in a continued decrease in the $PM_{2.5}$ design values in the Atlanta Area. As shown in Table 7.2, EPA expects that, at a minimum, SO_2 and NO_X emissions will decrease by approximately 163,146 tons and 114,352 tons, respectively, from 2008 through 2024.

A maintenance plan requires the state to show that projected future year overall emissions will not exceed the level of emissions which led the Area to attain the NAAQS. For the reasons discussed above, EPA believes that the projected emissions demonstrate that the Atlanta Area will continue to attain for the duration of the maintenance plan.

While GA EPD's maintenance plan projects maintenance of the 1997 Annual $PM_{2.5}$ NAAQS through 2024, as noted above, EPA believes that the Atlanta Area will continue to maintain the standard at least through the year 2025 for several reasons: All of the federal regulatory requirements that enabled the Area to attain the NAAQS will continue to be in effect and enforceable after the 10-year maintenance period; the most recent maximum potential annual $PM_{2.5}$ design value (for the period 2012 to 2014) for the Area, 11.1 $\mu g/m^3$,[23] is well below the standard of 15.0 $\mu g/m^3$; and overall emissions are projected to decline significantly through 2024. Because it is highly improbable that emissions will suddenly increase after 2024 and exceed attainment year inventory levels in 2025, EPA expects the projected downward trend in pollutant emissions in the Atlanta Area to continue to demonstrate maintenance of the 1997 $PM_{2.5}$ NAAQS through at least the year 2025.

[22] The revised emission projections reflect no emission reductions from EGUs beyond 2008 other than the permanent and enforceable emission reductions that have occurred due to the shutdowns and conversions identified above.

[23] As noted earlier, due to incomplete data at one monitoring site during the third quarter of 2012, EPA conducted a statistical analysis to determine a maximum potential design value of 11.1 $\mu g/m^3$ for the period 2012 to 2014. The analysis is described in detail in the monitoring TSD included in the docket for this rulemaking.

d. Monitoring Network

There are currently seven monitors measuring ambient $PM_{2.5}$ in the Atlanta Area. GA EPD has committed to continue operation of the monitors in the Atlanta Area in compliance with 40 CFR part 58 and have thus addressed the requirement for monitoring. EPA approved Georgia's 2014 monitoring plan on November 7, 2014.

e. Verification of Continued Attainment

The State of Georgia, through the GA EPD, has the legal authority to enforce and implement the requirements of the Atlanta Area 1997 Annual $PM_{2.5}$ maintenance plan. This includes the authority to adopt, implement, and enforce any subsequent emissions control contingency measures determined to be necessary to correct future $PM_{2.5}$ attainment problems.

GA EPD will track the progress of the maintenance plan by performing future reviews of triennial emission inventories for the Atlanta Area as required in the Air Emissions Reporting Rule (AERR) and Consolidated Emissions Reporting Rule (CERR). For these periodic inventories, GA EPD will review the assumptions made for the purpose of the maintenance demonstration concerning projected growth of activity levels. If any of these assumptions appear to have changed substantially, then GA EPD will re-project emissions for the Atlanta Area.

f. Contingency Measures in the Maintenance Plan

Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation, and a time limit for action by the State. A state should also identify specific indicators to be used to determine when the contingency measures need to be implemented. The maintenance plan must include a requirement that a state will implement all measures with respect to control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d).

The contingency measures included in Georgia's maintenance plan for the Atlanta Area include a triggering mechanism to determine when contingency measures are needed and a process of developing and implementing appropriate control measures. GA EPD will use actual ambient monitoring data to determine whether a trigger event has occurred and when contingency measures should be implemented. Georgia's trigger mechanisms include two tiers: Tier I and Tier II.

A Tier I trigger is activated when any of the following conditions occurs:

- The previous calendar year's annual average $PM_{2.5}$ concentration exceeds the standard by 1.5 $\mu g/m^3$ or more;
- The annual mean $PM_{2.5}$ concentration in each of the previous two consecutive calendar years exceeds the NAAQS by 0.5 $\mu g/m^3$ or more;
- The total maintenance area SO_2 emissions in the most recent NEI exceeds the corresponding attainment-year inventory by more than 10.0 percent;
- The total maintenance area $PM_{2.5}$ emissions in the most recent NEI exceed the corresponding attainment-year inventory by more than 30.0 percent.

A Tier II trigger is activated when any violation of the 1997 Annual $PM_{2.5}$ NAAQS at any federal reference method (FRM) monitor in the Atlanta maintenance area is recorded, based on quality-assured monitoring data.

In the event of either a Tier I or Tier II trigger, GA EPD will conduct a comprehensive study as expeditiously as practicable, but no later than nine months after the trigger is activated. GA EPD will evaluate a Tier I condition, if it occurs, to determine the causes of the ambient $PM_{2.5}$ or emissions inventory increase and to determine if a Tier II condition is likely to occur. GA EPD will evaluate a Tier I condition, if it occurs, to determine the cause of the trigger and determine if the cause(s) of the ambient $PM_{2.5}$ increase and to determine if the increase is likely to continue. Through the comprehensive study, GA EPD will attempt to determine whether the trigger condition is due to local emissions, emissions from elsewhere, or a combination of these. The study will also include a determination regarding the emissions control measures that may be necessary to prevent or correct a violation of the NAAQS.

GA EPD will implement any required measures as expeditiously as practicable, taking into consideration the ease of implementation and the technical and economic feasibility of selected measures. Previously adopted controls, which have not yet realized emission reductions and which are not relied upon in the maintenance demonstration, will be implemented within 24 months from trigger activation.[24] If the study determines that such previously adopted emission control programs are not sufficient to address any violation of the NAAQS, EPD will adopt additional rules or controls to require further emission reductions. Any additional rules or controls to address a violation would be adopted and implemented within 24 months of trigger activation and will be submitted to EPA for approval into Georgia's SIP.

In any event, if a Tier II trigger is activated, EPD will consult and seek review from EPA on the analysis to determine the cause of the violation. The contingency measure(s) will be selected from the following types of emission controls or from any other control deemed appropriate and effective at the time the selection is made by EPD:

- RACM for sources of SO_2 and $PM_{2.5}$;
- Reasonably Available Control Technologies (RACT) for point sources of SO_2 and $PM_{2.5}$;
- Expansion of RACM/RACT to areas of transport within the State;
- Mobile source measures; and
- Additional SO_2 and/or $PM_{2.5}$ reduction measures yet to be identified.

In addition to the triggers indicated above, Georgia will monitor regional emissions through the CERR and AERR and compare them to the projected inventories and the attainment year inventory. In the August 30, 2012, submittal, the State acknowledges that the contingency plan requires the implementation of all measures contained in the SIP for the Area prior to redesignation. The State also notes that these measures are currently in effect and may be evaluated by the State to determine if they are adequate or up-to-date.

EPA has preliminarily concluded that the maintenance plan adequately addresses the five basic components required: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. Therefore, the maintenance plan SIP revision submitted by GA EPD for the Atlanta Area meets the requirements of section 175A of the CAA and is approvable.

[24] In a September 23, 2013, letter to EPA, the State clarified the timing and content of its contingency measures included in the maintenance plan for the Atlanta Area. In this letter, the State reaffirmed its commitment to address and correct any violation of the 1997 annual $PM_{2.5}$ NAAQS as expeditiously as practicable and to do so no later than 24 months from the trigger activation.

VI. What is the effect of the January 4, 2013, D.C. Circuit decision regarding $PM_{2.5}$ implementation under subpart 4?

a. Background

As discussed in Section II of this notice, the D.C. Circuit remanded the 1997 $PM_{2.5}$ Implementation Rule to EPA on January 4, 2013, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428. The Court found that EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of subpart 1 of part D of Title I of the CAA rather than the particulate matter-specific provisions of subpart 4 of part D of Title I.

For the purposes of evaluating Georgia's redesignation request for the Atlanta Area, to the extent that implementation under subpart 4 would impose additional requirements for areas designated nonattainment, EPA believes that those requirements are not ''applicable'' for the purposes of CAA section 107(d)(3)(E), and thus EPA is not required to consider subpart 4 requirements with respect to the redesignation of the Atlanta Area. Under its longstanding interpretation of the CAA, EPA has interpreted section 107(d)(3)(E) to mean, as a threshold matter, that the part D provisions which are ''applicable'' and which must be approved in order for EPA to redesignate an area include only those which came due prior to a state's submittal of a complete redesignation request. *See* ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (Calcagni memorandum). *See also* ''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for the plan and Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) on or after November 15, 1992,'' Memorandum from Michael Shapiro, Acting Assistant Administrator, Air and Radiation, September 17, 1993 (Shapiro memorandum); Final Redesignation of Detroit-Ann Arbor, (60 FR 12459, 12465–66, March 7, 1995); Final Redesignation of St. Louis, Missouri, (68 FR 25418, 25424–27, May 12, 2003); *Sierra Club* v. *EPA,* 375 F.3d 537, 541 (7th Cir. 2004) (upholding EPA's redesignation rulemaking applying this interpretation and expressly rejecting Sierra Club's view that the meaning of ''applicable'' under the statute is ''whatever should have been in the plan at the time of attainment rather than whatever actually was in already implemented or due at the time of attainment'').[25] In this case, at the time that Georgia submitted its redesignation request on August 30, 2012, requirements under subpart 4 were not due, and indeed, were not yet known to apply.

On June 2, 2014, EPA published a rule entitled ''Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 $PM_{2.5}$ NAAQS'' (''Classification and Deadlines Rule''). 79 FR 31,566.[26] In that rule, the Agency responded to the DC Circuit's January 2013 decision by establishing classifications for $PM_{2.5}$ nonattainment areas under subpart 4, and by establishing a new SIP submission date of December 31, 2014, for moderate area attainment plans and for any additional attainment-related or nonattainment new source review plans necessary for areas to comply with the requirements applicable under subpart 4. *Id.* at 31,567–70. Therefore, when Georgia submitted its request in August 2012, the deadline for submitting a SIP to meet the Act's subpart 4 requirements had not yet passed, and those requirements are therefore not applicable for purposes of evaluating Georgia's request for redesignation.

b. Subpart 4 Requirements and the Atlanta Area Redesignation Request

Even though the substantive requirements of subpart 4 were not applicable requirements that Georgia was required to have met at the time of its redesignation request submission, EPA believes that even the imposition of those substantive requirements would not pose a bar to the redesignation of the Atlanta Area. The additional requirements found in subpart 4 are either designed to help an area achieve attainment (also known as ''attainment planning requirements'') or are related to new source permitting. None of these additional requirements are applicable for purposes of evaluating a redesignation from nonattainment to attainment under EPA's long-standing interpretation of CAA section 107(d)(3)(E)(ii) and (v).

As background, EPA notes that subpart 4 incorporates components of subpart 1 of part D, which contains general air quality planning requirements for areas designated as nonattainment. *See* section 172(c). Subpart 4 itself contains specific planning and scheduling requirements for PM_{10}[27] nonattainment areas, and under the Court's January 4, 2013, decision in *NRDC* v. *EPA,* these same statutory requirements also apply for $PM_{2.5}$ nonattainment areas.[28] In the General Preamble, EPA's longstanding general guidance interpreting the 1990 amendments to the CAA,[29] EPA discussed the relationship of subpart 1 and subpart 4 SIP requirements and pointed out that subpart 1 requirements were to an extent ''subsumed by, or integrally related to, the more specific PM–10 requirements.'' *See* 57 FR 13538 (April 16, 1992). The subpart 1 requirements include, among other things, provisions for attainment demonstrations, RACM, RFP, emissions inventories, and contingency measures.

As noted above, in the Classification and Deadlines Rule, EPA initially classified all areas designated nonattainment for either the 1997 or the 2006 $PM_{2.5}$ NAAQS as ''moderate'' nonattainment areas. Additional requirements that would apply to the Atlanta Area as a moderate nonattainment area are therefore Sections 189(a) and (c), including the following: (1) An approved permit program for construction of new and modified major stationary sources (section 189(a)(1)(A)); (2) an attainment demonstration (section 189(a)(1)(B)); (3) provisions for RACM (section 189(a)(1)(C)); and (4) quantitative milestones demonstrating RFP toward attainment by the applicable attainment date (section 189(c)).[30]

The permit requirements of subpart 4, as contained in section 189(a)(1)(A),

[25] Applicable requirements of the CAA that come due subsequent to the area's submittal of a complete redesignation request remain applicable until a redesignation is approved, but are not required as a prerequisite to redesignation. Section 175A(c) of the CAA.

[26] Judicial review of EPA's Classification and Deadlines Rule is pending in the D.C. Circuit. At the time of this notice, briefing and oral arguments in that case have concluded but a decision has not yet been issued by the Court. *See WildEarth Guardians* v. *EPA,* No. 14–1145 (D.C. Circuit, argued November 6, 2015).

[27] PM_{10} refers to particles nominally 10 micrometers in diameter or smaller.

[28] In explaining their decision, the court reasoned that the plain meaning of the CAA requires implementation of the 1997 p.m.2.5 NAAQS under subpart 4 because $PM_{2.5}$ particles fall within the statutory definition of PM_{10} and are thus subject to the same statutory requirements. The EPA has proposed its interpretation of subpart 4 requirements as applied to the $PM_{2.5}$ NAAQS in its proposal rule entitled ''Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements'' (80 FR 15340, March 23, 2015).

[29]

[30] EPA's proposed implementation rule (80 FR 15340 (March 23, 2015)) includes, among other things, the Agency's proposed interpretation of these moderate area requirements for purposes of $PM_{2.5}$ NAAQS implementation.

refer to and apply the subpart 1 permit provisions requirements of sections 172 and 173 to PM_{10}, without adding to them. Consequently, EPA believes that section 189(a)(1)(A) does not itself impose for redesignation purposes any additional requirements for moderate areas beyond those contained in subpart 1.[31] In any event, in the context of redesignation, EPA has long relied on the interpretation that a fully approved nonattainment new source review program is not considered an applicable requirement for redesignation, provided the area can maintain the standard with a PSD program after redesignation. A detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled ''Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment.'' *See also* rulemakings for Detroit, Michigan (60 FR 12467–12468, March 7, 1995); Cleveland-Akron-Lorain, Ohio (61 FR 20458, 20469–20470, May 7, 1996); Louisville, Kentucky (66 FR 53665, October 23, 2001); and Grand Rapids, Michigan (61 FR 31834–31837, June 21, 1996).

With respect to the specific attainment planning requirements under subpart 4,[32] EPA applies the same interpretation that it applies to attainment planning requirements under subpart 1 or any of other pollutant-specific subparts. That is, under its long-standing interpretation of the CAA, where an area is already attaining the standard, EPA does not consider those attainment-planning requirements to be applicable for purposes of evaluating a request for redesignation because requirements that are designed to help an area achieve attainment no longer have meaning where an area is already meeting the standard.

Thus, at the time of Georgia's submission of its redesignation request, the requirement for the Atlanta Area to comply with subpart 4 had not yet come due and was, therefore, not applicable for purposes of EPA's evaluation of the redesignation. Moreover, even if Georgia had been required to comply with those subpart 4 requirements, the additional substantive requirements for a moderate nonattainment area under subpart 4 were not applicable for purposes of redesignation anyway, given EPA's long-standing interpretation of the applicability of certain requirements to areas that are attaining the NAAQS.

c. Subpart 4 and Control of $PM_{2.5}$ Precursors

As noted previously, EPA does not believe that the requirement to comply with subpart 4 applied to the Atlanta Area redesignation request because that request was submitted prior to the moderate area SIP submission date of December 31, 2014. However, even if the requirements of subpart 4 were to apply to the Atlanta Area, EPA nevertheless believes that the additional requirements of subpart 4 would not pose an obstacle to our approval of Georgia's request to redesignate the Atlanta Area. Specifically, EPA proposes to determine that, because the Atlanta Area is attaining the standard, no additional controls of any $PM_{2.5}$ precursors would be required. Under either subpart 1 or subpart 4, for purposes of demonstrating attainment as expeditiously as practicable, a state is required to evaluate all economically and technologically feasible control measures for direct PM emissions and precursor emissions, and adopt those measures that are deemed reasonably available. Relevant precursors to $PM_{2.5}$ pollution include SO_2, NOx, VOC and ammonia. Moreover, CAA section 189(e) in subpart 4 specifically provides that control requirements for major stationary sources of direct PM_{10} shall also apply to PM_{10} precursors from those sources, except where EPA determines that major stationary sources of such precursors ''do not contribute significantly to PM_{10} levels which exceed the standard in the area.''

Under subpart 1 and EPA's prior implementation rule, all major stationary sources of $PM_{2.5}$ precursors were subject to regulation, with the exception of ammonia and VOC. Thus, assuming subpart 4 requirements are applicable for purposes of evaluating this redesignation request, EPA is analyzing here whether additional controls of ammonia and VOC from major stationary sources are required under section 189(e) of subpart 4 in order to redesignate the area for the 1997 $PM_{2.5}$ standard. As explained below, EPA does not believe that any additional controls of ammonia and VOC are required in the context of this redesignation.

In the General Preamble, EPA discusses its approach to implementing section 189(e). *See* 57 FR 13538 (April 16, 1992). With regard to precursor regulation under section 189(e), the General Preamble explicitly stated that control of VOCs under other Act requirements may suffice to relieve a state from the need to adopt precursor controls under section 189(e). *See* 57 FR 13542. EPA in this rulemaking proposes to determine that even if not explicitly addressed by the State in its submission, the State does not need to take further action with respect to ammonia and VOCs as precursors to satisfy the requirements of section 189(e). This proposed determination is based on our findings that: (1) The Atlanta Area contains only one major stationary source of ammonia (Owens Corning, Fairburn Plant), and (2) existing major stationary sources of VOC are adequately controlled under other provisions of the CAA regulating the ozone NAAQS.[33] In the alternative, EPA proposes to determine that, under the express exception provisions of section 189(e), and in the context of the redesignation of the Area, which is attaining the 1997 Annual $PM_{2.5}$ standard, at present ammonia and VOC precursors from major stationary sources do not contribute significantly to levels exceeding the 1997 $PM_{2.5}$ standard in the Atlanta Area. *See* 57 FR 13539.

As noted earlier, EPA determined in December 2011 that the Atlanta Area was attaining the 1997 Annual $PM_{2.5}$ NAAQS and that the Area had attained the NAAQS by the applicable attainment date of April 5, 2010. 76 FR 76620. Under EPA's regulations, a determination of attainment, also known as a clean data determination, suspends the CAA's requirements to submit an attainment demonstration, including an analysis of reasonably available control measures and control technology; reasonable further progress; and contingency measures. Under subpart 4, Georgia's plan for attaining the 1997 $PM_{2.5}$ NAAQS in the Atlanta Area would have had to consider all $PM_{2.5}$ precursors, including VOC and ammonia, and whether there were control measures, including for existing sources under section 189(e), available that would have advanced the area's attainment goals. However, because the Atlanta Area has already attained the 1997 $PM_{2.5}$ NAAQS, the state's requirement to submit a plan demonstrating how the area would attain has been suspended, and, moreover, the area has shown that it has attained with its current approach to regulation of $PM_{2.5}$ precursors. Therefore, EPA believes that it is reasonable to conclude in the context of this redesignation that there is no need

[31] The potential effect of section 189(e) on section 189(a)(1)(A) for purposes of evaluating this redesignation is discussed below.

[32] These planning requirements include the attainment demonstration, quantitative milestone requirements, and RACM analysis.

[33] The Atlanta Area has reduced VOC emissions through the implementation of various control programs including various on-road and non-road motor vehicle control programs.

to revisit the attainment control strategy with respect to the treatment of precursors. In addition, as noted below, EPA has analyzed projections of VOC and ammonia emissions in the area and has determined that VOC emissions are projected to decrease sharply over the maintenance period and ammonia emissions, which are emitted in marginal amounts in the Atlanta area, are projected to increase only slightly. Accordingly, EPA does not view the January 4, 2013, decision of the Court as precluding redesignation of the Atlanta Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS. In sum, even if Georgia were required to address precursors for the Atlanta Area under subpart 4 rather than under subpart 1, EPA would still conclude that the area had met all applicable requirements for purposes of redesignation in accordance with section 107(d)(3)(E)(ii) and (v).

d. Maintenance Plan and Evaluation of Precursors

EPA proposes to determine that the State's maintenance plan shows continued maintenance of the standard by tracking the levels of the precursors whose control brought about attainment of the 1997 $PM_{2.5}$ standard in the Atlanta Area. EPA therefore believes that the only additional consideration related to the maintenance plan requirements that results from the Court's January 4, 2013, decision is that of assessing the potential role of VOC and ammonia in demonstrating continued maintenance in this Area. As explained below, based upon documentation provided by Georgia and supporting information, EPA believes that the maintenance plan for the Atlanta Area need not include any additional emission reductions of VOC or ammonia in order to provide for continued maintenance of the standard.

First, as noted above in EPA's discussion of section 189(e), VOC emission levels in this area have historically been well-controlled under SIP requirements related to ozone and other pollutants. Second, total ammonia emissions throughout the Atlanta Area are projected to be approximately 13,620 tons per year in 2020. *See* Table 8 below. This amount of ammonia emissions is relatively low in comparison to the total amounts of SO_2, NO_X, and even direct $PM_{2.5}$ emissions from sources in the Area. Third, as described below, available information shows that no precursor, including VOC and ammonia, is expected to increase significantly over the maintenance period so as to interfere with or undermine the State's maintenance demonstration.

The emissions inventories used in the regulatory impact analysis (RIA) for the 2012 $PM_{2.5}$ NAAQS, included in the docket for today's action, show that VOC emissions are projected to decrease by 52,813.38 tpy and that ammonia emissions are projected to increase by 91.89 tpy in the Area between 2007 and 2020. *See* Table 8, below. Thus, emissions of VOC are projected to decrease by 30 percent, and emissions of ammonia are projected to remain about the same, increasing by less than one percent.

TABLE 8—COMPARISON OF 2007 AND 2020 VOC AND AMMONIA EMISSION TOTALS BY SOURCE SECTOR (tpy) FOR THE AREA [34]

Source sector	VOC			Ammonia		
	2007	2020	Net Change	2007	2020	Net Change
Nonpoint	76,274.51	74,736.27	−1,538.24	10,220.59	11,535.64	1,315.05
Non-road	28,433.41	16,376.46	−12,056.95	31.17	38.96	7.79
Onroad	64,157.97	25,202.79	−38,955.18	2,587.41	1,570.67	−1,016.74
Point	6,639.28	6,376.27	−263.01	689.03	474.82	−214.21
Total	175,505.17	122,691.79	−52,813.38	13,528.20	13,620.09	91.89

While the RIA emissions inventories are only projected out to 2020, there is no reason to believe that this overall downward trend would not continue through 2025. Given that the Atlanta Area is already attaining the 1997 Annual $PM_{2.5}$ NAAQS even with the current level of emissions from sources in the Area, the overall trend of emissions inventories is consistent with continued attainment.

In addition, available air quality data and modeling analyses show continued maintenance of the standard during the maintenance period. As noted in section V, above, the Atlanta Area recorded a maximum potential annual $PM_{2.5}$ design value of 11.1 $\mu g/m^3$ during 2012–2014, the most recent three years available with quality-assured and certified ambient air monitoring data. This is well below the 1997 Annual $PM_{2.5}$ NAAQS of 15 $\mu g/m^3$. Moreover, the modeling analysis conducted for the RIA for the 2012 $PM_{2.5}$ NAAQS indicates that the design value for this area is expected to continue to decline through 2020. In the RIA analysis, the 2020 modeled design value for the Atlanta Area is 9.4 $\mu g/m^3$. Given the decrease in overall precursor emissions projected through 2024, and expected through 2025, it is reasonable to conclude that the monitored $PM_{2.5}$ concentration in this area will also continue to decrease through 2025.

Thus, EPA believes that there is ample justification to conclude that the Atlanta Area should be redesignated, even taking into consideration the emissions of VOC and ammonia potentially relevant to $PM_{2.5}$. After consideration of the DC Circuit's January 4, 2013, decision, and for the reasons set forth in this notice, EPA continues to propose approval of the State's maintenance plan and its request to redesignate the Atlanta Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS.

VII. What is EPA's Analysis of Georgia's Proposed NO_X and $PM_{2.5}$ MVEBs for the Atlanta Area?

Under section 176(c) of the CAA, new transportation plans, programs, and projects, such as the construction of new highways, must ''conform'' to (*i.e.,* be consistent with) the part of the state's air quality plan that addresses pollution from cars and trucks. Conformity to the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS or any interim milestones. If a

[34] These emissions estimates were taken from the emissions inventories developed for the regulatory impact analysis for the 2012 $PM_{2.5}$ NAAQS.

transportation plan does not conform, most new projects that would expand the capacity of roadways cannot go forward. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and assuring conformity of such transportation activities to a SIP. The regional emissions analysis is one, but not the only, requirement for implementing transportation conformity. Transportation conformity is a requirement for nonattainment and maintenance areas. Maintenance areas are areas that were previously nonattainment for a particular NAAQS but have since been redesignated to attainment with an approved maintenance plan for that NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIPs and maintenance plans for nonattainment areas. These control strategy SIPs (including RFP and attainment demonstration) and maintenance plans create MVEBs for criteria pollutants and/or their precursors to address pollution from cars and trucks. Per 40 CFR part 93, a MVEB must be established for the last year of the maintenance plan. A state may adopt MVEBs for other years as well. A MVEB is the portion of the total allowable emissions in the maintenance demonstration that is allocated to highway and transit vehicle use and emissions. *See* 40 CFR 93.101. The MVEBs serve as a ceiling on emissions from an area's planned transportation system. The MVEBs concept is further explained in the preamble to the November 24, 1993, Transportation Conformity Rule. *See* 58 FR 62188. The preamble also describes how to establish the MVEBs in the SIP and how to revise the MVEBs.

After interagency consultation with the transportation partners for the Atlanta Area, Georgia has elected to develop MVEBs for NO_X and $PM_{2.5}$ for the entire Area. Georgia has developed these MVEBs, as required, for the last year of its maintenance plan, 2024. The NO_X and $PM_{2.5}$ MVEBs were developed in consultation with the transportation partners and were added to account for uncertainties in population growth, changes in model vehicle miles traveled and new emission factor models. Further details are provided below to explain how the MVEBs for 2024 were derived.

The State estimated the worst case daily motor vehicle projections for NO_X and $PM_{2.5}$ in 2024 and set the MVEBs at this level. The worst-case daily motor vehicle emissions projection for $PM_{2.5}$ is 2,281 tons (38.9 percent above the projected 2024 on-road emissions), and the worst-case daily motor vehicle emissions projection for NO_X is 44,430 tons (26 percent above the projected 2024 on-road emissions). The proposed NO_X and $PM_{2.5}$ MVEBs for the Atlanta Area are identified in Table 9, below. On-road emissions of SO_2 are considered de minimis; therefore, no budget for SO_2 is required. *See* 70 FR 24280, 24283 (May 6, 2005).

TABLE 9—PROPOSED ATLANTA AREA NO_X AND $PM_{2.5}$ MVEBS

[tpy]

	NO_X	$PM_{2.5}$
2024 On-Road Mobile Emissions	35,272	1,642
2024 Safety Margin Allocated	9,158	.....
2024 Total Motor Vehicle Budget	44,430	2,281

The 9,158 ton difference in the NO_X projections is well within the NO_X ''safety margin.'' [35] Under 40 CFR 93.101, the term ''safety margin'' is the difference between the attainment level (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The safety margin can be allocated to the transportation sector; however, the total emissions must remain below the attainment level.

Although there is no apparent safety margin for $PM_{2.5}$ because overall emissions of direct $PM_{2.5}$ from all source categories are projected to increase by approximately 15 percent from 2008 to 2024 (see Table 7.2), the on-road mobile NO_X and $PM_{2.5}$ emissions are projected to decrease by approximately 72 percent and 65 percent, respectively (see Table 5) due to the federal mobile source measures discussed in Section V. Table 10, below, shows that the percentage of the $PM_{2.5}$ on-road mobile source emissions as compared to the overall $PM_{2.5}$ emissions from all sectors trends downward from 9.6 percent in 2008 to 3.0 percent in 2024.

TABLE 10—$PM_{2.5}$ ON-ROAD MOBILE SOURCES EMISSIONS COMPARISON TO THE TOTAL $PM_{2.5}$ EMISSIONS FROM ALL SECTORS FOR THE ATLANTA AREA

[Tons per year]

	2008	2014	2017	2020	2024
$PM_{2.5}$ emissions—on-road mobile	4,662	3,529	2,963	2,397	1,642
Total $PM_{2.5}$ emissions—all sectors	48,811	51,256	52,478	54,285	55,188
On-road mobile % of total $PM_{2.5}$ emissions	9.6	6.9	5.7	4.4	3.0

As discussed in Section V, EPA believes that Area will maintain the NAAQS through 2025 and that the impact of the projected increase in $PM_{2.5}$ emissions will be overcompensated by the projected decreases in the emissions of SO_2 and NO_X. Furthermore, even if mobile source emissions are equal to the worst-case scenario MVEBs in 2024, the Atlanta Area will maintain the $PM_{2.5}$ standard. Applying the projected 15 percent increase in direct $PM_{2.5}$ emissions to the proposed 2024 MVEB (2,281 tpy) yields a value of 2,623 tpy which is 44 percent less than the 2008 attainment level of on-road mobile emissions (4,662 tpy).

Through this rulemaking, EPA is proposing to approve the MVEBs for NO_X and $PM_{2.5}$ for 2024 for the Atlanta Area because EPA has determined that the Area maintains the 1997 Annual $PM_{2.5}$ NAAQS with the emissions at the levels of the budgets. Once the MVEBs for the Atlanta Area are approved or found adequate (whichever is completed first), they must be used for future conformity determinations. After thorough review, EPA has determined that the budgets meet the adequacy criteria, as outlined in 40 CFR 93.118(e)(4). Therefore, EPA is proposing to approve the budgets because they are consistent with maintenance of the 1997 Annual $PM_{2.5}$ NAAQS through 2024.

[35] The difference between the 2024 NO_X emissions projected by EPA and 2008 actual NO_X emissions (*i.e.,* NO_X safety margin) is approximately 114,352 tons.

VIII. What is the Status of EPA's Adequacy Determination for the Proposed NO_X and $PM_{2.5}$ MVEBs for 2024 for the Atlanta Area?

When reviewing submitted ''control strategy'' SIPs or maintenance plans containing MVEB, EPA may affirmatively find the MVEB contained therein adequate for use in determining transportation conformity. Once EPA affirmatively finds the submitted MVEB is adequate for transportation conformity purposes, that MVEBs must be used by state and federal agencies in determining whether proposed transportation projects conform to the SIP as required by section 176(c) of the CAA.

EPA's substantive criteria for determining adequacy of MVEBs are set out in 40 CFR 93.118(e)(4). The process for determining adequacy consists of three basic steps: Public notification of a SIP submission, a public comment period, and EPA's adequacy determination. This process for determining the adequacy of submitted MVEBs for transportation conformity purposes was initially outlined in EPA's May 14, 1999, guidance entitled ''Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision.'' EPA adopted regulations to codify the adequacy process in rulemaking entitled ''Transportation Conformity Rule Amendments for the New 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes''; July 1, 2004 (69 FR 40004). Additional information on the adequacy process for transportation conformity purposes is available in the proposed rule entitled ''Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes''; June 30, 2003 (68 FR 38974, 38984).

As discussed earlier, Georgia's maintenance plan submission includes NO_X and $PM_{2.5}$ MVEBs for the Atlanta Area for 2024, the last year of the maintenance plan. EPA reviewed the NO_X and $PM_{2.5}$ MVEBs through the adequacy process, and the adequacy of the MVEBs was open for public comment on EPA's adequacy Web site on February 21, 2013, found at: *http://www.epa.gov/otaq/stateresources/transconf/currsips.htm.* The EPA public comment period on adequacy for the MVEBs for 2024 for Atlanta Area closed on March 25, 2013. EPA did not receive any comments on the adequacy of the MVEBs, nor did EPA receive any requests for the SIP submittal.

EPA intends to make its determination on the adequacy of the 2024 MVEBs for the Atlanta Area for transportation conformity purposes in the near future by completing the adequacy process that was started on February 21, 2013. After EPA finds the 2024 MVEBs adequate under 40 CFR 93.118(f)(1)(iv) or takes final action to approve them into the Georgia SIP under 40 CFR 93.118(f)(2)(iii), the new MVEBs for NO_X and $PM_{2.5}$ must be used for future transportation conformity determinations. For required regional emissions analysis years that involve 2024 or beyond, the applicable budgets will be the new 2024 MVEBs established in the maintenance plan.

IX. Proposed Actions on the Redesignation Request and Maintenance Plan SIP Revisions Including Approval of the NO_X and $PM_{2.5}$ MVEBs for 2024 for the Atlanta Area

On December 8, 2011, EPA determined that the Atlanta Area was attaining the 1997 $PM_{2.5}$ NAAQS. *See* 76 FR 76620. EPA is now proposing to take three separate but related actions regarding the redesignation and maintenance of the 1997 Annual $PM_{2.5}$ NAAQS for the Atlanta Area.

First, EPA is proposing to determine, based upon review of quality-assured and certified ambient monitoring data for the 2008–2010 period, and review of data in AQS for 2011 through 2014 that the Atlanta Area continues to attain the 1997 Annual $PM_{2.5}$ NAAQS. Second, EPA proposing to approve the maintenance plan for the Atlanta Area, including the NO_X and $PM_{2.5}$ MVEBs for 2024, into the Georgia SIP (under section 175A). As described above, the maintenance plan demonstrates that the Area will continue to maintain the 1997 Annual $PM_{2.5}$ NAAQS, and the budgets meet all of the adequacy criteria contained in 40 CFR 93.118(e)(4) and (5). Third, EPA is proposing to approve Georgia's request for redesignation of the Atlanta Area from nonattainment to attainment for the 1997 p.m.$_{2.5}$ NAAQS based upon the preliminary determination that the Area has met the requirements for redesignation under CAA section 107(d)(3)(E). Further, as part of today's action, EPA is describing the status of its adequacy determination for the 2024 NO_X and VOC MVEBs in accordance with 40 CFR 93.118(f)(1). Within 24 months from the effective date of EPA's adequacy determination for the MVEBs or the publication date for the final rule for this action, whichever is earlier, the transportation partners will need to demonstrate conformity to the new NO_X and VOC MVEBs pursuant to 40 CFR 93.104(e).

If finalized, approval of Georgia's redesignation request for the Atlanta Area would change the official designation of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, Walton, and portions of Heard and Putnam Counties in Georgia, as found at 40 CFR part 81, from nonattainment to attainment for the 1997 $PM_{2.5}$ NAAQS.

X. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, these proposed actions merely approve state law as meeting federal requirements and do not impose additional requirements beyond those imposed by state law. For that reason, these proposed actions:

- Are not significant regulatory actions 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);
- do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- do not have Federalism implications as specified in Executive

Order 13132 (64 FR 43255, August 10, 1999);

- are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- will not have disproportionate human health or environmental effects under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control.

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

Dated: December 22, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–33196 Filed 1–8–16; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 81, No. 6

Monday, January 11, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Idaho Panhandle Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Idaho Panhandle Resource Advisory Committee (RAC) will meet in Coeur d'Alene, Idaho. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://www.fs.usda.gov/main/ipnf/workingtogether/advisorycommittees.*

DATES: The meeting will be held February 19, 2016 at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held at the Idaho Panhandle National Forests Supervisor's Office located at 3815 Schreiber Way, Coeur d'Alene, Idaho 83815.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Idaho Panhandle national Forests Supervisor's Office in Coeur d'Alene, Idaho. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Shoshana Cooper, RAC Coordinator, by phone at 208–765–7211 or via email at *smcooper@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is:

1. Proposal review and recommendations.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by Janury 31, 2016 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Shoshana Cooper, RAC Coordinator, 3815 Schreiber Way, Coeur d'Alene, Idaho 83815; or by email to *smcooper@fs.fed.us,* or via facsimile to 208–765–7426.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: January 5, 2016.

Mary Farnsworth,

Forest Supervisor.

[FR Doc. 2016–00292 Filed 1–8–16; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Briefing notice.

DATES: *Date and Time:* Friday, January 22, 2016; 9:00 a.m.–5:30 p.m. EST.

ADDRESSES: *Place:* National Place Building, 1331 Pennsylvania Ave. NW., 11th Floor, Suite 1150, Washington, DC 20245.

FOR FURTHER INFORMATION CONTACT: Mauro Morales, Staff Director at Telephone: (202) 376–7700, TTY: (202) 376–8116.

SUPPLEMENTARY INFORMATION: This briefing is open to the public. Please contact the above for call-in information to telephonically attend the briefing. Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at *signlanguage@usccr.gov* at least seven business days before the scheduled date of the meeting.

During the briefing, Commissioners will ask questions and discuss the briefing topic with the panelists. The public may submit written comments on the topic of the briefing to the above address for 30 days after the briefing. Please direct your comments to the attention of the ''Staff Director'' and clearly mark ''Briefing Comments Inside'' on the outside of the envelope. Please note we are unable to return any comments or submitted materials. Comments may also be submitted by email to *comments@usccr.gov.*

Topic: Briefing on Environmental Justice: Toxic Materials, Poor Economies, and the Impact to Low-Income, Minority Communities; *A review of the Environmental Protection Agency's Civil Rights Enforcement of Environmental Justice in the Context of Title VI, E.O. 12,989 and the Coal Ash Rule.*

I. Introductory Remarks. 9:00 a.m.
II. Presentations. 9:20 a.m.–9:45 a.m.: Community Leaders and Advocates
  Speakers' Remarks
III. Panel I. 9:50 a.m.–11:05 a.m.: Government Officials
  Speakers' Remarks and Questions from Commissioners
IV. Panel II. 11:10 a.m.–12:25 p.m.: Health Issues
  Speakers' Remarks and Questions from Commissioners
V. LUNCH—12:30 p.m.–1:15 p.m.
VI. Panel III. 1:20 p.m.–2:35 p.m.: Coal Industry Officials
  Speakers' Remarks and Questions from Commissioners

VII. Panel IV. 2:40 p.m.–3:55 p.m.: Community Activists and Advocates
Speakers' Remarks and Questions from Commissioners
VIII. Panel V. 4:00 p.m.–5:25 p.m.: Environmental Justice
Speakers' Remarks and Questions from Commissioners
IX. Adjourn Briefing—5:30 p.m.

Dated: January 6, 2016.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2016–00367 Filed 1–7–16; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 151216999–5999–01]

Annual Wholesale Trade Survey

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of determination.

SUMMARY: The United States Department of Commerce's Bureau of the Census (Census Bureau) publishes this notice to announce that the Director of the Census Bureau has determined the need to conduct the 2015 Annual Wholesale Trade Survey (AWTS). The AWTS covers employer firms with establishments located in the United States and classified in the Wholesale Trade sector as defined by the 2007 North American Industry Classification System (NAICS). Through this survey, the Census Bureau will collect data covering annual sales, e-commerce sales, purchases, total operating expenses, year-end inventories held both inside and outside the United States, commissions, total operating revenue, and gross selling value, for three components of wholesale activity: Wholesale distributors; manufacturers' sales branches and offices; and agents, brokers, and electronic markets. These data are collected to provide a sound statistical basis for the formation of policy by various government agencies. Results will be available for use for a variety of public and business needs such as economic and market analysis, company performance, and forecasting future demand. The Census Bureau conducts the AWTS to provide continuing and timely national statistical data on wholesale trade annually.

ADDRESSES: The Census Bureau will provide electronic worksheets to businesses included in the survey. Additional copies are available upon written request to the Director, U.S. Census Bureau, Washington, DC 20233–0101.

FOR FURTHER INFORMATION CONTACT: Susan Pozzanghera, Economy Wide Statistics Division, at (301) 763–7169 or by email at *susan.k.pozzanghera@census.gov*.

SUPPLEMENTARY INFORMATION: Sections 131 and 182 of Title 13 of the United States Code (U.S.C.) authorize the Census Bureau to take surveys that are necessary to produce current data on the subjects covered by the Economic Census. Sections 224 and 225 of Title 13 make response to the AWTS mandatory. As part of this authorization, the Census Bureau conducts the AWTS to provide continuing and timely national statistical data on wholesale trade activity every year for the period between economic censuses. The AWTS covers employer firms with establishments located in the United States and classified in the Wholesale Trade sector as defined by the 2007 NAICS. The 2015 AWTS will collect data for three components of wholesale activity: Wholesale distributors; manufacturers' sales branches and offices; and agents, brokers, and electronic markets. For wholesale distributors, the Census Bureau will collect data covering sales, e-commerce sales, year-end inventories held inside and outside the United States, purchases, and total operating expenses. For manufacturers' sales branches and offices, the Census Bureau will collect data covering annual sales, e-commerce sales, year-end inventories held inside and outside the United States and total operating expenses. For agents, brokers, and electronic markets, the Census Bureau will collect data covering commissions, total operating revenue, gross selling value, and total operating expenses. The Census Bureau has determined that this survey is necessary, as these data are not available publicly on a timely basis from non-governmental or other government sources. Public reporting burden for this collection of information is estimated to average 29 minutes per response.

Firms were selected for the AWTS survey using a stratified random sample based on industry groupings and annual sales size. In an effort to streamline operations and conserve taxpayer time and money, the 2015 AWTS will be a paperless-based collection. We will provide electronic reporting instructions to the firms covered by this survey in March 2016 and will require their response by April 27, 2016. We will continue to provide guidance and instructions on reporting without forms using the secure Centurion system and secure email. Firms' responses to the AWTS are required by law (13 U.S.C. Sections 224 and 225), and the responses are confidential (13 U.S.C. Section 9). The sample of firms selected will provide, with measurable reliability, statistics on annual sales, e-commerce sales, purchases, total operating expenses, year-end inventories held both inside and outside the Unites States, commissions, total operating revenue, and gross selling value, for 2015.

The data collected in this survey will be similar to that collected in the past and within the general scope and nature of those inquiries covered in the quinquennial economic census, which was most recently conducted in 2012. These data are collected to provide a sound statistical basis for the formation of policy by various government agencies. Results will be available for use for a variety of public and business needs such as economic and market analysis, company performance, and forecasting future demand.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a current valid Office of Management and Budget (OMB) control number. In accordance with the PRA, 44 U.S.C. 3501–3521, OMB approved the AWTS under OMB control number 0607–0195.

Based upon the foregoing, I have directed that the annual survey be conducted for the purpose of collecting these data.

Dated: January 5, 2016.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2016–00300 Filed 1–8–16; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–59–2015]

Foreign-Trade Zone (FTZ) 29—Louisville, Kentucky; Authorization of Production Activity; Custom Quality Services (Liquor Kitting), Louisville, Kentucky

On September 2, 2015, the Louisville & Jefferson County Riverport Authority, grantee of FTZ 29, submitted a notification of proposed production activity to the FTZ Board on behalf of

Custom Quality Services, within Site 1, in Louisville, Kentucky.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 55086, September 14, 2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: December 31, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–00362 Filed 1–8–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–63–2015]

Foreign-Trade Zone (FTZ) 33—Pittsburgh, Pennsylvania; Authorization of Production Activity; DNP Imagingcomm America Corporation, Subzone 33E (Thermal Transfer Ribbon Master Rolls), Mount Pleasant, Pennsylvania

On September 4, 2015, DNP Imagingcomm America Corporation (DNP), operator of Subzone 33E, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility within Subzone 33E, in Mount Pleasant, Pennsylvania.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 57785, September 25, 2015). The FTZ Board has determined that no further review of the proposed activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14, and further subject to a restriction requiring that all foreign-status polyethylene terephthalate (PET) film subject to an antidumping/countervailing duty (AD/CVD) order, proceeding, or suspension of liquidation under AD/CVD procedures admitted for DNP's production activity be re-exported (entry for U.S. consumption is not allowed for thermal transfer ribbon master rolls made from PET film subject to an AD/CVD order, proceeding, or suspension of liquidation under AD/CVD procedures). Activity beyond this scope of authority would require further authorization from the FTZ Board.

Dated: January 4, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–00364 Filed 1–8–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–58–2015]

Foreign-Trade Zone (FTZ) 133—Quad-Cities, Iowa/Illinois; Authorization of Production Activity; CNH Industrial America, LLC; Subzone 133E, (Agricultural and Construction Equipment, Subassemblies and Kits), Burlington and West Burlington, Iowa

On September 2, 2015, CNH Industrial America, LLC, operator of Subzone 133E, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facilities within Subzone 133E, in Burlington and West Burlington, Iowa.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 54519, September 10, 2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: December 31, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–00363 Filed 1–8–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–820]

Certain Hot-Rolled Carbon Steel Flat Products From India: Final Results of Antidumping Duty Administrative Review; 2013–2014

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

SUMMARY: On September 10, 2015, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty (AD) order on certain hot-rolled carbon steel flat products (hot-rolled steel) from India.[1] We received no comments or requests for a hearing. Therefore, for the final results, we continue to find that Ispat Industries Ltd. (Ispat), JSW Steel Ltd. (JSW), JSW Ispat Steel Ltd. (JSW Ispat), and Tata Steel Ltd. (Tata) had no shipments of the subject merchandise, and, therefore, no reviewable transactions, during the period of review (POR).

DATES: *Effective Date:* January 11, 2016.

FOR FURTHER INFORMATION CONTACT: George McMahon or Eric Greynolds, AD/CVD Operations Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1167 and (202) 482–6071, respectively.

Background

On September 10, 2015, the Department published the *Preliminary Results.* The POR is December 1, 2013, through November 30, 2014. We invited interested parties to comment on the *Preliminary Results.* We received no comments from any party. The Department conducted this administrative review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

For purposes of this order, the products covered are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this order.

Specifically included in the scope of this order are vacuum-degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high-strength

[1] *See Certain Hot-Rolled Carbon Steel Flat Products from India: Notice of Preliminary Results of 2013–2014 Antidumping Duty Administrative Review,* 80 FR 54521 (September 10, 2015) (*Preliminary Results*).

low-alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low-carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium

All products that meet the physical and chemical description provided above are within the scope of this order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this order:

- Alloy hot-rolled carbon steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- United States Steel (USS) Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this order is currently classifiable in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled carbon steel covered by this order, including: Vacuum-degassed fully stabilized; high-strength low-alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise subject to this proceeding is dispositive.

Final Determination of No Shipments

As noted above, the Department received no comments concerning the *Preliminary Results* on the record of this segment of the proceeding. As there are no changes from, or comments on, the *Preliminary Results,* the Department finds that there is no reason to modify its analysis. Thus, we continue to find that Ispat, JSW, JSW Ispat, and Tata had no shipments of the subject merchandise, and, therefore, no reviewable transactions, during the POR. Accordingly, no decision memorandum accompanies this **Federal Register** notice. For further details of the issues addressed in this proceeding, see the *Preliminary Results* and the accompanying Preliminary Decision Memorandum.[2]

Assessment Rates

Upon issuance of the final results of this administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries, in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212. The Department intends to issue assessment instructions to CBP 15 days after publication of the final results of this review.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[3] If applicable, this clarification will apply to all entries of subject merchandise during the POR produced or exported by Ispat, JSW, JSW Ispat, and Tata, for which these companies did not know that its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate these un-reviewed entries at the all others rate established in the less-than fair-value (LTFV) investigation, as amended, which is 38.72 percent,[4] if there is no rate for the intermediary company(ies) involved in the transaction. These cash deposit requirements, when imposed, shall remain in effect until further notice.[5]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for respondents noted above, which claimed no shipments, will remain unchanged from the rates assigned to

[2] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, titled ''Certain Hot-Rolled Carbon Steel Flat Products from India: Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review; 2013–2014,'' dated September 2, 2015 (Preliminary Decision Memorandum). The Preliminary Decision Memorandum can be accessed directly at: *http://enforcement.trade.gov/frn/index.html.*

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

[4] *See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products from India,* 66 FR 60194 (December 3, 2001) (*Amended Final Determination*).

[5] *See Assessment Policy Notice* for a full discussion of this clarification.

the companies in the most recently completed review of the companies; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 38.72 percent, the all-others rate established in the *Amended Final Determination.* These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice 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 and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation, which is subject to sanction.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: December 30, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–00365 Filed 1–8–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–898]

Chlorinated Isocyanurates From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014

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

SUMMARY: On July 8, 2015, the Department of Commerce (''the Department'') published its *Preliminary Results* of the administrative review of the antidumping duty order on chlorinated isocyanurates (''chloro isos'') from the People's Republic of China (''PRC'').[1] The period of review (POR) is June 1, 2013, through May 31, 2014. This review covers three producers/exporters: (1) Heze Huayi Chemical Co. Ltd. (''Heze Huayi''); (2) Hebei Jiheng Chemical Co., Ltd. and Hebei Jiheng Baikang Chemical Industry Co., Ltd. (collectively, ''Jiheng''); and (3) Juancheng Kangtai Chemical Co., Ltd. (''Kangtai''). We invited parties to comment on our *Preliminary Results.* Based on our analysis of the comments received, we made certain changes to our margin calculations for all three respondents. The final dumping margins for this review are listed in the ''Final Results'' section below.

DATES: *Effective date:* January 11, 2016.

FOR FURTHER INFORMATION CONTACT: Sean Carey, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3964.

Background

On July 8, 2015, the Department published its *Preliminary Results.* The Department verified the questionnaire responses of Heze Huayi from September 14 through September 18, 2015.[2] On September 21 through September 25, 2015, the Department verified the questionnaire responses of Jiheng.[3]

On September 30, 2015, the Department extended the deadline for the final results in this administrative review until December 7, 2015.[4] On November 10, 2015, we fully extended the deadline for the final results.[5] Because we miscalculated this extended deadline, we corrected the date to January 4, 2015 which is 180 days from the date of publication of the preliminary results and the maximum allowed under section 751(a)(3)(A) of Tariff Act of 1930, as amended (''the Act'').[6]

On November 13, 2015, Clearon Corp. and Occidental Chemical Corp. (collectively, ''Petitioners'') and Jiheng submitted case briefs.[7] On November 18, 2015, Jiheng, and Heze Huayi and Kangtai submitted rebuttal briefs.[8]

Scope of the Order

The products covered by the order are chlorinated isos, which are derivatives of cyanuric acid, described as chlorinated s-triazine triones. Chlorinated isos are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.40.50, 3808.50.40 and 3808.94.5000 of the Harmonized Tariff Schedule of the United States.[9]

[1] *See Chlorinated Isocyanurates From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 39060 (July 8, 2015) (*Preliminary Results*).

[2] *See* Memorandum to the File, ''Verification of the Sales Response of Heze Huayi Chemical Company, Ltd. in the Antidumping Administrative Review of Chlorinated Isocyanurates from the People's Republic of China,'' (October 20, 2015) (''Heze Huayi Verification Report'').

[3] *See* Memorandum to the File, ''Verification of the Sales Response of Hebei Jiheng Chemical Company, Ltd. in the Antidumping Administrative Review of Chlorinated Isocyanurates from the People's Republic of China,'' (November 5, 2015) (''Jiheng Verification Report'').

[4] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Chlorinated Isocyanurates from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' (September 30, 2015).

[5] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Chlorinated Isocyanurates from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' (November 10, 2015).

[6] *See* Memorandum to the File, ''Chlorinated Isocyanurates from the People's Republic of China: Correction of Extension of Deadline for Final Results of Antidumping Duty Administrative Review'' (November 20, 2015).

[7] *See* ''The Administrative Review of the Antidumping Duty Order on Chlorinated Isocyanurates from the People's Republic of China: Case Brief of Clearon Corp. and Occidental Chemical Corporation,'' (November 13, 2015) (''Petitioners' Case Brief''); and, ''Chlorinated Isocyanurates from the People's Republic of China: Case Brief,'' (November 13, 2015) (''Jiheng's Case Brief'').

[8] *See* ''Chlorinated Isocyanurates from the People's Republic of China: Rebuttal Brief,'' (November 18, 2015) (''Jiheng's Rebuttal Brief''); and, ''Certain Chlorinated Isocyanurates from the People's Republic of China Rebuttal Brief,'' (November 18, 2015) (''Kangtai's and Heze Huayi's Rebuttal Brief'').

[9] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for the Final Results of Antidumping Duty Administrative Review:

Continued

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of merchandise subject to the scope is dispositive. For a full description of the scope of the order, *see* Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum follows as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we have made revisions to the margin calculations for all companies.[10]

Adjustments for Countervailable Subsidies

Because no respondent established eligibility for an adjustment under section 777A(f) of the Act for countervailable domestic subsidies, the Department, for these final results, did not make an adjustment pursuant to section 777A(f) of the Act for countervailable domestic subsidies.[11]

Pursuant to section 772(c)(1)(C) of the Act, the Department made an adjustment for countervailable export subsidies.[12] For Heze Huayi and Jiheng, we made adjustments to reported U.S. prices.[13] The adjustment for Kangtai is zero because no countervailable export subsidies were found in the final determination of the CVD investigation. For the PRC-wide entity, since the entity is not currently under review, its rate is not subject to change.[14]

Final Results

We determine that the following weighted-average dumping margins exist for the POR:

Exporter	Weight-average dumping margin percentage
Heze Huayi Chemical Co., Ltd	0.00
Hebei Jiheng Chemical Co., Ltd	1.15
Juancheng Kangtai Chemical Co., Ltd	0.00

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of these final results of this review. In accordance with 19 CFR 351.212(b)(1), we are calculating importer- (or customer-) specific assessment rates for the merchandise subject to this review.

For each individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of sales.[15] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) For the exporter's listed above, the cash deposit rate will be the rate established in the final results of this review (except, if the rate is zero or *de minimis,* a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the existing producer/exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be eligible for a separate rate, the cash deposit rate will be the PRC-wide rate of 285.63 percent;[16] and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We will disclose the calculations performed regarding these final results within five days of the date of publication of this notice in this proceeding in accordance with 19 CFR 351.224(b).

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement

Chlorinated Isocyanurates from the People's Republic of China; 2013–2014,'' (''Issues and Decision Memorandum'') issued concurrently with this notice for a complete description of the scope of the Order.

[10] *See* Issues and Decision Memorandum, at 3.

[11] *See Preliminary Results,* and accompanying Issues and Decision Memorandum, at 24.

[12] *See Chlorinated Isocyanurates From the People's Republic of China: Final Affirmative Countervailing Duty Determination; 2012,* 79 FR 56560 (September 22, 2014), and accompanying Issues and Decision Memorandum, at ''Analysis of Programs'' section.

[13] *See Preliminary Results,* and accompanying Issues and Decision Memorandum, at 24; Memorandum to the File, ''Analysis for the Preliminary Results of the 2013–2014 Administrative Review of the Antidumping Duty Order on Chlorinated Isocyanurates from the People's Republic of China: Heze Huayi Chemical Co. Ltd.,'' June 30, 2015, at ''Export Subsidy Offset'' section, unchanged for these final results; and, Memorandum to the File, ''Analysis for the Preliminary Results of the 2013–2014 Administrative Review of the Antidumping Duty Order on Chlorinated Isocyanurates from the People's Republic of China: Hebei Jiheng Chemical Co., Ltd.,'' June 30, 2015, at ''Export Subsidy Offset'' section, unchanged for these final results.

[14] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65969–70 (November 4, 2013).

[15] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[16] For an explanation on the derivation of the PRC-wide rate, *see Notice of Final Determination of Sales at Less Than Fair Value: Chlorinated Isocyanurates From the People's Republic of China,* 70 FR 24502, 24505 (May 10, 2005).

of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and that subsequent assessment of doubled antidumping duties.

Administrative Protective Order Notification to Interested Parties

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), 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 terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h).

Dated: January 4, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

[FR Doc. 2016–00366 Filed 1–8–16; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–971]

Multilayered Wood Flooring From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Intent To Rescind the Review in Part; 2013

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on multilayered wood flooring (wood flooring) from the People's Republic of China (PRC). The period of review (POR) is January 1, 2013, through December 31, 2013. We preliminarily find that the mandatory respondents, Dalian Penghong Floor Products Co., Ltd. (Penghong) and The Lizhong Wood Industry Limited Company of Shanghai (Lizhong) (also known as ''Shanghai Lizhong Wood Products Co., Ltd.''), received countervailable subsidies during the POR. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* January 11, 2016.

FOR FURTHER INFORMATION CONTACT: Mary Kolberg, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1785.

Scope of the Order

Multilayered wood flooring is composed of an assembly of two or more layers or plies of wood veneer(s) [1] in combination with a core. Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.2510; 4412.32.2520; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; and 4418.72.9500.

While HTSUS subheadings are provided for convenience and customs purposes, the written product description remains dispositive.

A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Countervailing Duty Administrative Review: Multilayered Wood Flooring from the People's Republic of China'' dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html*. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

[1] A ''veneer'' is a thin slice of wood, rotary cut, sliced or sawed from a log, bolt or flitch. Veneer is referred to as a ply when assembled.

Intent To Rescind Administrative Review, in Part

We received timely filed no-shipment certifications from Zhejiang Shuimojiangnan New Material Technology Co., Ltd. on April 3, 2015, and from Tongxiang Jisheng Import and Export Co., Ltd., Jiangsu Guyu International Trading Co., Ltd., Jiangsu Mingle Flooring Co., Ltd., Shenyang Senwang Wooden Industry Co., Ltd., Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co, Ltd., and Linyi Bonn Flooring Manufacturing Co., Ltd. on April 6, 2015.[2] Because there is no evidence on the record to indicate that these companies had entries of subject merchandise during the POR, pursuant to 19 CFR 351.213(d)(3), we intend to rescind the review with respect to these companies. A final decision regarding whether to rescind the review of these companies will be made in the final results of this review.

Methodology

We are conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, we preliminarily find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[3] For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.

Preliminary Results of the Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated a countervailable subsidy rate for each of the mandatory respondents, Penghong and Lizhong.

For the non-selected respondents, we have followed the Department's practice, which is to base the subsidy rates on an average of the subsidy rates calculated for those companies selected for individual review, excluding *de minimis* rates or rates based entirely on adverse facts available.[4] In this case, we have preliminarily assigned to the non-selected respondents the simple average of the rates calculated for Penghong and Lizhong due to inconsistent units of measure in the publicly ranged quantity and value data provided by Penghong and Lizhong.

We preliminarily find the countervailable subsidy rates for the producers/exporters under review to be as follows: [5]

Producer/Exporter	Net subsidy rate (percent)
Dalian Penghong Floor Products Co., Ltd. (Penghong)	1.97
Shanghai Lizhong Wood Products Co., Ltd. (aka The Lizhong Wood Industry Limited Company of Shanghai); Linyi Youyou Wood Co., Ltd	0.89
A&W (Shanghai) Woods Co., Ltd	1.43
Anhui Longhua Bamboo Product Co., Ltd	1.43
Armstrong Wood Products (Kunshan) Co., Ltd	1.43
Baishan Huafeng Wood Product Co., Ltd	1.43
Baiying Furniture Manufacturer Co., Ltd	1.43
Baroque Timber Industries (Zhongshan) Co., Ltd	1.43
Benxi Wood Company	1.43
Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd	1.43
Changzhou Hawd Flooring Co., Ltd	1.43
Cheng Hang Wood Co., Ltd	1.43
Chinafloors Timber (China) Co., Ltd	1.43
Dalian Dajen Wood Co., Ltd	1.43
Dalian Huade Wood Product Co., Ltd	1.43
Dalian Huilong Wooden Products Co., Ltd	1.43
Dalian Jiuyuan Wood Industry Co., Ltd	1.43
Dalian Kemian Wood Industry Co., Ltd	1.43
Dalian Shumaike Floor Manufacturing Co., Ltd	1.43
Dalian Xinjinghua Wood Co., Ltd	1.43
Dasso Industrial Group Co., Ltd	1.43
Dazhuang Floor Co. (dba Dasso Industrial Group Co., Ltd.)	1.43
Dongtai Fuan Universal Dynamics LLC	1.43
Dun Hua City Jisen Wood Industry Co., Ltd	1.43
Dun Hua Sen Tai Wood Co., Ltd	1.43
Dunhua City Dexin Wood Industry Co., Ltd	1.43
Dunhua City Hongyuan Wood Industry Co., Ltd	1.43
Dunhua City Wanrong Wood Industry Co., Ltd	1.43
Dunhua Jisheng Wood Industry Co., Ltd	1.43
Dunhua Shengda Wood Industry Co., Ltd	1.43
Era Solar Co., Ltd	1.43
Fine Furniture (Shanghai) Limited	1.43
Fu Lik Timber (HK) Co., Ltd	1.43
Fusong Jinlong Wooden Group Co., Ltd	1.43
Fusong Qianqiu Wooden Product Co., Ltd	1.43
GTP International Ltd	1.43

[2] *See* letter from Zhejiang Shuimojiangnan New Material Technology Co., Ltd., ''Multilayered Wood Flooring from the People's Republic of China-No Sales Certification,'' dated April 3, 2015; *see also* letter from Tongxiang Jisheng Import and Export Co., Ltd., Jiangsu Guyu International Trading Co., Ltd., Jiangsu Mingle Flooring CO., Ltd., Shenyang Senwang Wooden Industry Co., Ltd., Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd., and Linyi Bonn Flooring Manufacturing Co., Ltd., ''Multilayered Wood Flooring from the People's Republic of China: Submission of No Shipment Certifications,'' dated April 6, 2015.

[3] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity.

[4] *See, e.g., Certain Pasta From Italy: Preliminary Results of the 13th (2008) Countervailing Duty Administrative Review,* 75 FR 18806, 18811 (April 13, 2010), unchanged in *Certain Pasta from Italy: Final Results of the 13th (2008) Countervailing Duty Administrative Review,* 75 FR 37386 (June 29, 2010).

[5] The Department published a Correction of Notice of Initiation, 80 FR 11166 (March 2, 2015) and removed Zhejiang Layo Wood Industry Co. Ltd(''Layo Wood'') because this company was excluded from the countervailing duty order in the investigation.

Producer/Exporter	Net subsidy rate (percent)
Guangdong Fu Lin Timber Technology Limited	1.43
Guangdong Yihua Timber Industry Co., Ltd	1.43
Guangzhou Homebon Timber Manufacturing Co., Ltd	1.43
Guangzhou Panyu Kangda Board Co., Ltd	1.43
Guangzhou Panyu Shatou Trading Co., Ltd	1.43
Guangzhou Panyu Southern Star Co., Ltd	1.43
HaiLin LinJing Wooden Products, Ltd	1.43
HaiLin XinCheng Wooden Products, Ltd	1.43
Hangzhou Dazhuang Floor Co., Ltd. (dba Dasso Industrial Group Co., Ltd.)	1.43
Hangzhou Hanje Tec Co., Ltd	1.43
Hangzhou Zhengtian Industrial Co., Ltd	1.43
Henan Xingwangjia Technology Co., Ltd	1.43
Hunchun Forest Wolf Wooden Industry Co., Ltd	1.43
Hunchun Xingjia Wooden Flooring Inc	1.43
Huzhou Chenghang Wood Co., Ltd	1.43
Huzhou Fulinmen Imp. & Exp. Co., Ltd	1.43
Huzhou Fuma Wood Co., Ltd	1.43
Huzhou Jesonwood Co., Ltd	1.43
Huzhou Ruifeng Imp. & Exp. Co., Ltd	1.43
Huzhou Sunergy World Trade Co., Ltd	1.43
Jiafeng Wood (Suzhou) Co., Ltd	1.43
Jiangsu Guyu International Trading Co., Ltd	1.43
Jiangsu Mingle Flooring Co., Ltd	1.43
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd	1.43
Jiangsu Simba Flooring Co., Ltd	1.43
Jiangsu Yuhui International Trade Co., Ltd	1.43
Jiashan HuiJiaLe Decoration Material Co., Ltd	1.43
Jiaxing Hengtong Wood Co., Ltd	1.43
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd	1.43
Jilin Xinyuan Wooden Industry Co., Ltd	1.43
Karly Wood Product Limited	1.43
Kemian Wood Industry (Kunshan) Co., Ltd	1.43
Linyi Anying Wood Co., Ltd	1.43
Linyi Bonn Flooring Manufacturing Co., Ltd	1.43
Mudanjiang Bosen Wood Industry Co., Ltd	1.43
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd	1.43
Nanjing Minglin Wooden Industry Co., Ltd	1.43
Ningbo Qixin Solar Electrical Appliance Co., Ltd	1.43
Ningbo Tianyi Bamboo & Wood Products Co., Ltd	1.43
Pinge Timber Manufacturing (Zhejiang) Co., Ltd	1.43
Power Dekor Group Co., Ltd	1.43
Puli Trading Limited	1.43
Qingdao Barry Flooring Co., Ltd	1.43
Riverside Plywood Corporation	1.43
Samling Riverside Co., Ltd	1.43
Shanghai Anxin (Weiguang) Timber Co., Ltd	1.43
Shanghai Eswell Timber Co., Ltd	1.43
Shanghai Lairunde Wood Co., Ltd	1.43
Shanghai New Sihe Wood Co., Ltd	1.43
Shanghai Shenlin Corporation	1.43
Shenyang Haobainian Wooden Co., Ltd	1.43
Shenyang Senwang Wooden Industry Co., Ltd	1.43
Shenzhenshi Huanwei Woods Co., Ltd	1.43
Sino-Maple (JiangSu) Co., Ltd	1.43
Suzhou Anxin Weiguang Timber Co., Ltd	1.43
Suzhou Dongda Wood Co., Ltd[6]	1.43
Tongxiang Jisheng Import and Export Co., Ltd	1.43
Vicwood Industry (Suzhou) Co. Ltd	1.43
Xiamen Yung De Ornament Co., Ltd	1.43
Xuzhou Antop International Trade Co., Ltd	1.43
Xuzhou Shenghe Wood Co., Ltd	1.43
Yekalon Industry, Inc	1.43
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd	1.43
Yixing Lion-King Timber Industry Co., Ltd	1.43
Zhejiang Anji Xinfeng Bamboo and Wood Co., Ltd	1.43
Zhejiang Biyork Wood Co., Ltd	1.43
Zhejiang Dadongwu Green Home Wood Co., Ltd	1.43
Zhejiang Desheng Wood Industry Co., Ltd	1.43
Zhejiang Fudeli Timber Industry Co., Ltd	1.43
Zhejiang Fuerjia Wooden Co., Ltd	1.43
Zhejiang Fuma Warm Technology Co., Ltd	1.43
Zhejiang Haoyun Wooden Co., Ltd	1.43
Zhejiang Jeson Wood Co., Ltd	1.43

Producer/Exporter	Net subsidy rate (percent)
Zhejiang Longsen Lumbering Co., Ltd	1.43
Zhejiang Shiyou Timber Co., Ltd	1.43
Zhejiang Shuimojiangnan	1.43
Zhejiang Tianzhen Bamboo & Wood Development Co., Ltd	1.43

Disclosure and Public Comment

We will disclose to parties in this proceeding the calculations performed in reaching the preliminary results within five days of publication of these preliminary results.[7] Interested parties may submit written comments (case briefs) on the preliminary results no later than 30 days from the date of publication of this **Federal Register** notice, and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[8] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, within 30 days after the date of publication of this notice.[9] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If the Department receives a request for a hearing, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[10] Parties should confirm by telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, we intend to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

Assessment Rates

Consistent with section 751(a)(1) of the Act, upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

Also in accordance with section 751(a)(1) of the Act, the Department intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown above for each of the respective companies listed above. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: December 31, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Intent to Rescind, in Part, the Administrative Review
5. Subsidies Valuation Information
6. Analysis of Programs
7. Recommendation

[FR Doc. 2016–00356 Filed 1–8–16; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See Multilayered Wood Flooring from the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review: 2012* (80 FR 41007, July 14, 2015) and accompanying Issues and Decision Memorandum at 23–24. We have omitted Anhui Suzhou Dongda Wood Co., Ltd. and Yixing Lion-King Timber Industry from the notice because we have now included the correct spelling of these companies. Zhejiang Shuimojiangnan is also known as Zhejiang Shuimojiangnan New Material Technology Co., Ltd. Dongtai Fuan Universal Dynamics LLC and Zhejiang Longsen Lumbering Co., Ltd. were listed twice in the Initiation Notice.

[7] *See* 19 CFR 351.224(b).

[8] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[9] *See* 19 CFR 351.310(c).

[10] *See* 19 CFR 351.310.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD853

Endangered Species; File No. 19288

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that Dr. Mark Flint, University of Florida, School of Forest Resources and Conservation, 529 Ellsberry Road, Apollo Beach, FL 33572 has been issued a permit to take loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), green (*Chelonia mydas*), and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Arturo Herrera or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On March 25, 2015, notice was published in the **Federal Register** (80 FR 15751) that a request for a scientific research permit to take loggerhead, Kemp's ridley, green, and hawksbill sea turtles had been submitted by the above-named individual. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Dr. Flint has been issued a five-year permit to conduct research in Tampa Bay, Florida to determine the distribution and health status of the resident population of sea turtles in the region. Up to 200 sea turtles annually may be counted during vessel surveys and subsequently hand captured and

have the following procedures performed: measure, weigh, flipper and passive integrated transponder tag, blood sample, lavage, internal and external biopsy sample, laparoscopy and associated transport, and/or ultrasound. The permit is valid until December 31, 2020.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: January 5, 2016.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–00293 Filed 1–8–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Southeast Region Permit Family of Forms

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 (PRA) of 1995.

DATES: Written comments must be submitted on or before March 11, 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 Adam Bailey, National Marine Fisheries Service (NMFS), Southeast Regional Office (SERO), 263 13th Avenue South, St. Petersburg, FL 33701, (727) 824–5305 or *adam.bailey@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a revision to the existing reporting requirements approved under OMB Control No. 0648–0205, Southeast Region Permit Family of Forms. The SERO Permits Office (Southeast Permits Office) administers Federal fishing permits in the Gulf of Mexico (Gulf), South Atlantic, and Caribbean Sea under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801. The Southeast Permits Office proposes to revise two parts of the collection-of-information approved under OMB Control Number 0648–0205.

Currently, NMFS requires fishermen (respondents) to display one adhesive decal on their vessel indicating that they have a Federal fishing permit in at least one of two Gulf fisheries; the applicable permits are the Charter Vessel/Headboat Permit for Gulf Reef Fish, the Charter Vessel/Headboat Permit for Gulf Coastal Migratory Pelagic fish, and their respective Historical Captain endorsements. NMFS proposes to revise OMB Control Number 0648–0205 to split the single decal covering both fisheries into two decals, with one decal administered with each specific fishery permit or endorsement. In addition, this revision also addresses a new fee of $10 per decal to cover administrative costs, as required by NOAA Finance Handbook, Exhibit 9–1. The Federal Permit Application for Vessels Fishing in the Exclusive Economic Zone would also be revised to reflect the new fee. The decal is currently issued at no cost to permit applicants. These decals allow individuals and law enforcement officials to easily identify vessels that have Federal permits.

NMFS estimates this revision could affect up to 1,331 respondents (applicants), which is the total number of permitted charter and headboat vessels in these limited access fisheries, including the Historical Captain endorsements for each fishery. The maximum number of permits and endorsements at this time is 2,645. Generally, the 1,331 respondents have a set of 2 permits, but it is not required. Each of the two permits or endorsements that a respondent may have can be split up and held by two respondents. Some of these have been split up and that is why there is an odd number of permits, and the number of respondents is not exactly half of the maximum number of permits and endorsements.

Because of the new fee and instructions, NMFS has revised the time burden required to indicate which permit the respondent is renewing or transferring up to 30 seconds. The time burden estimated for this part of the revision is 11.1 hours annually. Although it is not expected, all 1,331 respondents could potentially renew, or transfer or obtain 2 different permits or endorsements, requiring up to 2 decals to be purchased. NMFS estimates the total annual cost at up to $26,450.

The Southeast Permits Office is also proposing to collect additional information on five applications for economic analysis and for purposes of notifying respondents. These data include race, sex, and business type and ownership information, as well as email addresses and the option to provide cellular contact information for digital notifications. The revision will also include a small business certification section, so NMFS can determine if the respondent is a small or large business according to standards established by the Small Business Administration.

These proposed revisions will not change the current cost burden but will increase the annual time burden for respondents. NMFS estimates this revision could affect up to 6,641 respondents across the 5 applications being revised, which includes the 1,331 respondents described above. The time burden estimated for this part of the revision is 925.9 hours annually.

NMFS estimates that the requested revision would add 0 respondents, 6,641 responses, 937 burden hours, and $26,450 in total costs annually to the collection-of-information under OMB Control Number 0648–0205.

II. Method of Collection

Respondents complete applications on paper forms, and then can either mail or bring applications to the Southeast Permits Office. Online application renewals are currently available only for some of the permits included on the Federal Permit Application for Vessels Fishing in the Exclusive Economic Zone. The Southeast Permits Office can mail applications and instructions or they can be downloaded from the Southeast Permits Office Web site at *sero.nmfs.noaa.gov/permits.* The Southeast Permits Office cannot send or receive applications by fax or email, because applications must have an original signature, which is not possible by fax or email.

III. Data

OMB Control Number: 0648–0205.

Form Number(s): None.

Type of Review: Regular submission (revision of current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 6,641.

Estimated Time per Response: Vessel Application, 39 minutes; Dealer Application, 29 minutes; Operator Card, 21 minutes; Wreckfish Application, 21 minutes; Aquaculture Live Rock Application, 21 minutes.

Estimated Total Annual Burden Hours: 7,023.

Estimated Total Annual Cost to Public: $483,828 in recordkeeping or reporting costs.

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: January 5, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–00261 Filed 1–8–16; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Technology Advisory Committee; Notice of Meeting

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Meeting.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') announces that on Tuesday, January 26, 2016, from 9:45 a.m. to 3:45 p.m., the CFTC's Technology Advisory Committee (''TAC'') will hold a public meeting at the CFTC's Washington, DC headquarters. The TAC will discuss: (1) The Commission's proposed Regulation Automated Trading (''Reg AT''); (2) swap data standardization and harmonization; and (3) blockchain and the potential application of distributed ledger technology to the derivatives market.

DATES: The meeting will be held on Tuesday, January 26, 2016 from 9:45 a.m. to 3:45 p.m. Members of the public who wish to submit written statements in connection with the meeting should submit them by Tuesday, January 26, 2016.

ADDRESSES: The meeting will take place in the Conference Center at the CFTC's headquarters, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Written statements should be submitted by mail to: Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, attention: Office of the Secretary, or by electronic mail to: *secretary@cftc.gov.* Please use the title ''Technology Advisory Committee'' in any written statement you submit. Any statements submitted in connection with the committee meeting will be made available to the public, including publication on the CFTC Web site, at *http://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Ward P. Griffin, TAC Designated Federal Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, (202) 418–5425.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public with seating on a first-come, first-served basis. Members of the public may also listen to the meeting by telephone by calling a domestic toll-free telephone or international toll or toll-free number to connect to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name, and affiliation.

Domestic Toll Free: 1–866–844–9416.

International Toll and Toll Free: Will be posted on the CFTC's Web site, *http://www.cftc.gov,* on the page for the meeting, under Related Documents.

Pass Code/Pin Code: CFTC.

After the meeting, a transcript of the meeting will be published through a link on the CFTC's Web site, *http://www.cftc.gov.* All written submissions provided to the CFTC in any form will also be published on the CFTC's Web site. Persons requiring special accommodations to attend the meeting because of a disability should notify the contact person above.

Authority: 5 U.S.C. app. 2 § 10(a)(2).

Dated: January 6, 2016.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2016–00297 Filed 1–8–16; 8:45 am]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Operation AmeriCorps Evaluation for review and approval in accordance with the Paperwork Reduction Act of 1995, Pub. L. 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Joseph Breems, at 202–606–6992 or email to *jbreems@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

DATES: Comments may be submitted, identified by the title of the information collection activity, within February 10, 2016.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by either of the following two methods within 30 days from the date of publication in the **Federal Register:**

(1) By fax to: 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) By email to: *smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;

• Propose ways to enhance the quality, utility, and clarity of the information to be collected; and

• Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on 10/26/2015 at 2015–27155 FR 65219. This comment period ended 12/28/2015. No public comments were received from this Notice. Description: This two year evaluation seeks to assess the implementation of the new Operation AmeriCorps initiative, and to report on early results from the intended outcomes of each grantee's project. The evaluation will examine the extent to which multiple streams of national service are integrated and complement one another in each project; determine whether and how community capacity is being developed and sustained; and examine the Operation AmeriCorps grant making process to determine if this type of grant could be successfully used in future grants competitions. Researchers from CNCS will collect qualitative and quantitative data from grantees and their partners, AmeriCorps members, member supervisors, and program beneficiaries. Operation AmeriCorps grantees are required to participate in the evaluation as a condition of grant award.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Operation AmeriCorps Evaluation.

OMB Number: TBD.

Agency Number: None.

Affected Public: Organizations receiving Operation AmeriCorps grants and their partners involved in implementing the grant, including: The legal applicant organization; the legal sub-applicant organization; key operating partners identified by the legal applicant and/or sub-applicant; peripheral supporting organizations identified by key operating partners and the legal applicant and/or sub-applicant; AmeriCorps members working on an Operation AmeriCorps project; member supervisors working on an Operation AmeriCorps project; beneficiaries being served by an Operation AmeriCorps project.

Total Respondents: 340 total for this two year evaluation (170 per year) (all respondents may or may not be unique depending on individuals selected by grantee to respond to each instrument each year).

Frequency: Two times annually for survey; two times annually for grantee interviews; one time annually for focus groups.

Average Time per Response: Averages 30 minutes for the survey; 60–90 minutes per interview; 60 minutes per focus group.

Estimated Total Burden Hours: 420 hours (25,200 minutes) total for this two-year evaluation (210 hours or 12,600 minutes per year).

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: January 6, 2016.

Mary Hyde,

Director of Research and Evaluation.

[FR Doc. 2016–00321 Filed 1–8–16; 8:45 am]

BILLING CODE 6050–28–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, CNCS is soliciting comments concerning its proposed renewal of the Baseline Questionnaire for Caregivers. This instrument will be administered to caregivers of Senior Companion Program service recipients (respite service and independent living service) to assess their demographic characteristics, psycho-social health and wellbeing, and their physical health. Participation is completely voluntary participation is not considered as a factor in obtaining grant funding support from Senior Corps.

Copies of the information collection request can be obtained by contacting the office listed in the Addresses section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by March 11, 2016.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Office of Research and Evaluation; Attention Anthony Nerino, Research Analyst, #10913A; 1201 New York Avenue NW., Washington, DC, 20525.

(2) By hand delivery or by courier to the CNCS mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Anthony Nerino, (202) 606–3913, or by email at *anerino@cns.gov.*

SUPPLEMENTARY INFORMATION: CNCS is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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 expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Background

CNCS is submitting a modification to the statement of work outlining technical assistance to implement a study of caregivers of SCP respite

service and SCP independent living services. Additionally, CNCS seeks to assess the long term impact of participation in the Foster Grandparent Program (FGP) and the Senior Companion Program (SCP) on caregivers satisfaction, health related outcomes and psycho-social outcomes.

This project involves a survey of caregivers to individuals who are recipients of independent living services, and caregivers to individuals receiving respite care services. Potential survey respondents will be drawn from a list of registered beneficiaries provided by a sample of SCP grantees. SCP and FGP members will be drawn from a list of registered members provided by a sample of SCP and FGP grantees. Potential interview respondents will include, caregivers SCP respite and independent services. Survey data will be collected using a multi-modal survey methods including phone surveys, paper surveys and on-line surveys.

Quantitative data analysis will include descriptive statistics and inferential analysis of survey responses by respondent characteristics. Analyses will focus on identifying demographic factors of recipients and members, and on self-reported health status and psycho-social factors including self-efficacy, loneliness and depression.

Current Action

This is a new information collection request. CNCS seeks public comment on a new data collection instrument and a set of interview questions developed for this project. The instrument and interview questionnaire has been designed by the contractor for this project and represents an information collection instrument specific to the modified Statement of Work and modified project goals.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Baseline Questionnaire for Caregivers.

OMB Number: New.

Agency Number: None.

Affected Public: Caregivers of Senior Corps SCP respite services and independent living services.

Total Respondents: 900.

Frequency: One time.

Average Time per Response: Average time 30 minutes.

Respondent category	Number	Time	Total hours
SCP Caregiver Survey	900	30 minutes	450

Estimated Total Burden Hours: 450 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

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

Dated: January 4, 2016.

Mikel Herrington,

Acting Director, Senior Corps.

[FR Doc. 2016–00332 Filed 1–8–16; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To Grant Exclusive Patent License to Schafer Aerospace; Albuquerque, NM

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: In compliance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i), the Department of the Army hereby gives notice of its intent to grant to Schafer Aerospace; a corporation having its principle place of business at 2309 Renard Place SE., Suite 300, Albuquerque, NM 87106, exclusive license in the field of fiber laser array systems with specific application in the areas of laser communication, beam aberration correction, Light Detection and Ranging (LIDAR/LADAR), beam steering (random access) and precision pointing and tracking. The proposed license would be relative to the following:

• U.S. Patent Number 9,223,091 entitled ''Light Beam Collimator Particularly Suitable for a Densely Packed Array'', Inventor Beresnev, Issue Date Dec. 29, 2015.

DATES: The prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the U.S. Army Research Laboratory receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by the U.S. Army Research Laboratory within fifteen (15) days from the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Send written objections to U.S. Army Research Laboratory Technology Transfer and Outreach Office, RDRL–DPT/Thomas Mulkern, Building 321 Room 110, Aberdeen Proving Ground, MD 21005–5425.

FOR FURTHER INFORMATION CONTACT: Thomas Mulkern, (410) 278–0889, E-Mail: *ORTA@arl.army.mil*

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2016–00203 Filed 1–8–16; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Office of the Secretary

National Commission on the Future of the Army; Notice of Federal Advisory Committee Meeting

AGENCY: Deputy Chief Management Officer, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The DoD is publishing this notice to announce a meeting of the National Commission on the Future of the Army (''the Commission''). The meeting will be open to the public.

DATES: Date of the Open Meeting: Thursday, January 28, 2016, from 2:00 p.m. to 4:00 p.m.

ADDRESSES: Address of Open Meeting, January 28, 2016: Room 285, State Services Organization, Hall of States, 444 North Capitol Street NW., Suite 237, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Mr. Don Tison, Designated Federal Officer, National Commission on the Future of the Army, 700 Army Pentagon, Room 3E406, Washington, DC 20310–0700, Email: *dfo.public@ncfa.ncr.gov*. Desk (703) 692–9099. Facsimile (703) 697–8242.

SUPPLEMENTARY INFORMATION: This meeting will be held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of Meetings

During the open meeting on Thursday, January 28, 2016, the Commission will publicly release their final report.

Agendas

January 28, 2016—Open Meeting: The Commission will hold an open meeting to provide comments and announce the release of the Commission's final report.

Meeting Accessibility

Pursuant to 41 CFR 102–3.140 through 102–3.165 and the availability of space, the meeting scheduled for January 28, 2016 from 2:00 p.m. to 4:00 p.m. at the Hall of States is open to the public. Seating is limited and pre-registration is strongly encouraged. Media representatives are also encouraged to register. Members of the media must comply with the rules of photography and video filming published by the State Services Organization and George Washington University. The closest public parking facility is on the property, for an hourly fee. The Union Station metro is a two-block walk. Visitors should keep their belongings with them at all times.

Additional Information

The DoD sponsor for the Commission is the Deputy Chief Management Officer. The Commission is tasked to submit a report, containing a comprehensive study and recommendations, by February 1, 2016 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study. The comprehensive study of the structure of the Army will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the Army in a manner consistent with available resources.

Dated: January 5, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–00230 Filed 1–8–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare an Environmental Impact Statement for the Denver Urban Waterways Restoration Study, South Platte River and Tributaries, Denver County, CO

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality's (CEQ) regulations for implementing the procedural provisions of NEPA, the U.S. Army Corps of Engineers (USACE), Omaha District, intends to prepare a feasibility study with integrated environmental impact statement (EIS) that analyzes and discloses effects associated with actions to provide ecosystem restoration along the South Platte River and flood risk management actions along two South Platte River tributaries (Harvard Gulch and Weir Gulch).

DATES: Submit written comments on the scope of the issues and alternatives to be considered in the EIS on or before February 19, 2016.

ADDRESSES: Send written scoping comments, requests to be added to the mailing list, or requests for sign language interpretation for the hearing impaired or other special assistance needs to Ms. Tiffany Vanosdall by telephone: (402) 995–2695, by mail: 1616 Capitol Avenue, Omaha, NE 68102–4901, or by email: *tiffany.k.vanosdall@usace.army.mil.*

FOR FURTHER INFORMATION CONTACT: For further information and/or questions about the proposed feasibility study with integrated EIS, please contact Mr. Luke Wallace by telephone: (402) 995–2692, by mail: 1616 Capitol Avenue, Omaha, NE 68102–4901, or by email: *a.luke.wallace@usace.army.mil.* For inquiries from the media, please contact the USACE Omaha District Public Affairs Officer, Mr. Tom O'Hara by telephone: (402) 995–2416, by mail: 1616 Capitol Avenue, Omaha, NE 68102–4901, or by email: *thomas.a.ohara@usace.army.mil.*

SUPPLEMENTARY INFORMATION: USACE is issuing this notice pursuant to the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*

Public Meetings: Public scoping meetings for the various study reaches will be held from 5:30–7:30 p.m. MDT at the following locations:

- *Harvard Gulch:* Wednesday, January 13, 2016—Harvard Gulch Recreation Center, 550 East Iliff Avenue, Denver, CO 80210.
- *South Platte River:* Wednesday, January 20, 2016—REI, 1416 Platte Street, Denver, CO 80202.
- *Weir Gulch:* Tuesday, February 2, 2016—Barnum Recreation Center, 360 Hooker Street, Denver, CO 80219.

Background Information

The Unified City and County of Denver and the U.S. Army Corps of Engineers, Omaha District (Corps) are conducting a feasibility study for ecosystem restoration along the South Platte River and flood risk management along two of its tributaries, Weir Gulch and Harvard Gulch, in the City and County of Denver. The ecosystem portion of the study will optimize federally significant resources including habitat for migratory birds, wetlands and riparian habitat, and aquatic resources of the South Platte River and its tributaries. The geographic scope of the study area includes the South Platte River from 6th Avenue to 58th Avenue, Weir Gulch from Sheridan Boulevard east to the confluence with the South Platte River, and Harvard Gulch from Colorado Boulevard west to the confluence with the South Platte River.

The purpose of the project along the South Platte River is to address loss of riparian, wetland and in-channel habitat associated with urban development. There is a need to provide a functioning habitat corridor through Denver for migratory birds, as well as wetland and aquatic species. The purpose of the project along the Harvard Gulch and Weir Gulch tributaries to the South Platte River is to address flood risk issues in order to reduce flood and life safety risks along each stream. Urban development within the floodplain in both gulches consists of approximately 1,180 structures and an associated 9,150 people at risk of flooding. The report will be a final response to the study authority.

The City and County of Denver covers approximately 153 square miles which is only 0.15 percent of the State's area, but is densely populated with approximately 12 percent of the State's population; the total metropolitan area population (2.4 million) is

approximately 50 percent of the State's population. Population growth has been rapid.

Denver County lies approximately 10 miles east of the Front Range of the Rocky Mountains. This heavily influences the County's weather. Denver has a semi-arid climate with all four seasons discernible. Average annual precipitation is 16 inches. The natural land cover is primarily short-grass prairie and semi-desert.

For approximately 10 river miles the South Platte River flows north through Denver. Its tributaries in Denver include Cherry Creek, smaller Bear Creek, and still smaller Weir Gulch, Lakewood Gulch, Sanderson Gulch, Harvard Gulch, and West Harvard Gulch.

The Harvard Gulch watershed is an east bank tributary to the South Platte River located in southeast Denver. The 7.43-square mile drainage basin is 72.5 percent within the City and County of Denver and 27.5 percent in Arapahoe County. The major drainage way has a perennial base flow and follows a path along Harvard Avenue until reaching Logan Street where it is conveyed underground in Wesley Avenue to the outfall at the South Platte River.

The Weir Gulch watershed is a west bank tributary to the South Platte River in Denver and has a drainage area of approximately 7.7 square miles at the confluence with the South Platte River.

As required by CEQ's implementing regulations, all reasonable alternatives to the proposed Federal action that meet the purpose and need will be considered in the EIS. These alternatives will include no action and a range of reasonable alternatives for improving the South Platte ecosystem and reducing flood risk on Harvard and Weir Gulch. Appropriate mitigation measures will be incorporated into the proposed action and reasonable alternatives. The EIS will analyze and disclose environmental impacts associated with the proposed Federal action and alternatives together with engineering, operations and maintenance, social, and economic considerations. The public is invited and encouraged to identify issues and effects they believe should be addressed in the EIS and reasonable alternatives for ecosystem restoration along the South Platte River and flood risk management along Harvard Gulch and Weir Gulch.

Public Disclosure Statement

The Corps believes it is important to inform the public of the environmental review process. To assist the Corps in identifying and considering issues related to the proposed Federal action, comments made during formal scoping and later on the draft EIS should be as specific as possible. Reviewers must structure their participation in the environmental review of the proposal so that it is meaningful and alerts the Corps to the reviewers' position and contentions. It is very important that those interested in this proposed Federal action participate by the close of the scoping period so that substantive comments and objections are made available to the Corps at a time when they can meaningfully consider and respond to them.

If you wish to comment, you can mail or email your comments as indicated under the Addresses section. Before including your name, address, phone number, email address, or any other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made available to the public at any time.

While you can request in your comment for us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2016–00204 Filed 1–8–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2015–ICCD–0127]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Mathematics and Science Partnerships Program: Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), 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 February 10, 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–0127. 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 2E115, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Inas El-Sabban, 202–205–3810.

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: Mathematics and Science Partnerships Program: Annual Performance Report.

OMB Control Number: 1810–0669.

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

Respondents/Affected Public: State, Local and Tribal Government.

Total Estimated Number of Annual Responses: 450.

Total Estimated Number of Annual Burden Hours: 4,500.

Abstract: The Mathematics and Science Partnerships program is a

formula grant program to the States in which states make competitive awards to projects. The authorizing legislation, Title II, Part B, Section 2202 (f) of the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001, requires all locally funded projects to report annually to the Secretary documenting progress towards goals and objectives. The Annual Performance Report (APR) is an online reporting tool. Annual reporting requirements include impact on increasing teacher learning and student achievement; standard descriptive information on the MSP projects; the professional development participants; the professional development models, content, and processes; the evaluation plans; and lessons learned. By structuring the reporting so that all MSPs are required to provide standardized data, the program office is better able to examine outcomes across funded partnerships. The primary objective of the proposed revision is to reduce burden on reporting entities while ensuring that needed data continue to be collected. Proposed revisions include removing items that duplicate information, condensing sections of the APR that require substantial project burden to complete, and clarifying reporting instructions to improve quality of responses.

Dated: January 5, 2016.

Tomakie Washington,

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

[FR Doc. 2016–00263 Filed 1–8–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0128]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Perkins Discretionary Grant Performance Report

AGENCY: Office of Career Technical and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before February 10, 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–0128. 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 2E115, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Laura Messenger, 202–245–7840.

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: Perkins Discretionary Grant Performance Report.

OMB Control Number: 1830–0574.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 88.

Total Estimated Number of Annual Burden Hours: 1,556.

Abstract: The purpose of this information collection package—the Perkins Discretionary Grant Performance Report—is to gather narrative, financial, and performance data on all discretionary programs administered by the Office of Career, Technical, and Adult Education's Division of Academic and Technical Education (OCTAE–DATE), as required by the Education Department General Administrative Regulations (EDGAR 34 CFR 74.51, 74.52, 75.118, 75.253, 75.590, and 80.40). The Perkins Discretionary Grant Performance Report will be used by all OCTAE–DATE discretionary grant recipients in lieu of the ED 524B Grant Performance Report and Instructions because the ED 524B is not compatible with OCTAE–DATE's Perkins Information Management System.

The Perkins Discretionary Grant Performance Report is (a) submitted electronically via OCTAE–DATE's Perkins Web Portal; (b) stored in OCTAE–DATE's Improving Program Performance Database; and (c) accessed through OCTAE–DATE's Perkins Information Management System (PIMS). The Perkins Information Management System includes an administrative console that enables OCTAE–DATE staff to—a) query the system by grantee, by program, and by state; (b) view narrative, financial, and performance data within and across programs; and (c) create customized reports.

The Perkins Discretionary Grant Performance Report is a generic, single reporting instrument that combines all of the EDGAR performance and financial reporting requirements for discretionary grant recipients funded under the Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109–270). Recipients of multi-year discretionary grants must submit interim performance reports, usually annually, for each year funding has been approved in order to receive a continuation award. The annual performance report should demonstrate whether substantial progress has been made toward meeting the approved goals and objectives of the project. OCTAE–DATE also requires recipients of ''forward funded'' grants that are awarded funds for their entire multi-year project up-front in a single grant award to submit an annual performance report.

Dated: January 5, 2016.

Tomakie Washington,

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

[FR Doc. 2016–00264 Filed 1–8–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14653–000]

Twain Resources, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On December 10, 2014, Twain Resources, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Easygo Hydroelectric Project (Easygo Project or project) to be located in an inactive underground mine adjacent to Morgan Creek near the City of Bishop, in Inyo County, California. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An existing 12-foot-high by 12-foot-wide by 30-foot-thick reinforced concrete plug inside a 12,000-foot-long mine access tunnel capable of storing water up to 1,320 feet of gross head; (2) a 200-acre-foot in-mine reservoir that backs up water inside the mine to a maximum elevation of 9,400 feet above sea level; (3) a 24-inch or 18-inch steel penstock through the concrete plug connecting to a 1,500 kilowatt impulse turbine; (4) a 1.573 kilovolt-amp generator; (5) an approximately 2,500-foot-long transmission line connecting the generator to a California Edison-owned substation; and (6) appurtenant facilities. The estimated annual generation of the Easygo Project would be 5,600 megawatt-hours.

Applicant Contact: Mr. Doug Hicks, 280 Floreca Way, Reno, Nevada 89511, phone (775) 997–3429.

FERC Contact: Joseph Hassell; phone: (202) 502–8079.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14653–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14653) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: January 5, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00285 Filed 1–8–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. Is16–61–000]

Colonial Pipeline Company; Notice Of Technical Conference

Take notice that the Commission will convene a technical conference on January 26, 2016, at 9:00 a.m. (EDT), in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

At the technical conference, the Commission Staff and the parties to the proceeding should be prepared to discuss all issues set for technical conference as established in the December 3, 2015 Order (*Colonial Pipeline Company,* 153 FERC ¶ 61,270 (2015).

Advanced registration is required for all attendees. Attendees may register in advance at the following Web page: *https://www.ferc.gov/whats-new/registration/01-26-16-form.asp.* Attendees should allow time to pass through building security procedures before the 9:00 a.m. (Eastern Time) start time of the technical conference. In addition, information on this event will be posted on the Calendar of Events on the Commission's Web site, *www.ferc.gov,* prior to the event.

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 202–502–8659 (TTY); or send a fax to 202–208–2106 with the required accommodations.

For more information about this technical conference, please contact Adrianne Cook, 202–502–8849, *adrianne.cook@ferc.gov* or David Faerberg, 202–502–8275, *david.faerberg@ferc.gov.*

Dated: January 5, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00283 Filed 1–8–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ16–7–000]

City of Azusa, California; Notice of Filing

Take notice that on December 29, 2015, City of Azusa, California submitted its tariff filing: City of Azusa, California 2016 Transmission Revenue Balancing Account Adjustment and Existing Transmission Contracts Update to be effective 1/1/2016.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and

interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 19, 2016.

Dated: January 5, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00284 Filed 1–8–16; 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 exempt wholesale generator filings:

Docket Numbers: EG16–33–000.
Applicants: Frontier Windpower, LLC.
Description: Notice of Self-Certification as an Exempt Wholesale Generator of Frontier Windpower, LLC.
Filed Date: 1/4/16.
Accession Number: 20160104–5439.
Comments Due: 5 p.m. ET 1/25/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–415–004.
Applicants: Anahau Energy, LLC.
Description: Triennial market power update of Anahau Energy, LLC for Southwest region.
Filed Date: 12/31/15.
Accession Number: 20151231–5409.
Comments Due: 5 p.m. ET 2/29/16.

Docket Numbers: ER14–1832–001.
Applicants: Duke Energy Florida, LLC.
Description: Compliance filing: ROE Settlement Revised IA's (2014) to be effective 5/1/2014.
Filed Date: 12/21/15.
Accession Number: 20151221–5229.
Comments Due: 5 p.m. ET 1/11/16.

Docket Numbers: ER15–762–005; ER15–760–004; ER15–1579–003; ER15–1582–004; ER15–1914–005; ER15–2680–001; ER15–2679–001.
Applicants: Sierra Solar Greenworks LLC, Western Antelope Blue Sky Ranch A LLC, 67RK 8me LLC, 65HK 8me LLC, 87RL 8me LLC, Sandstone Solar LLC, Latigo Wind Park, LLC.
Description: Notice of Non-Material Change in Status of Sierra Solar Greenworks LLC, et al.
Filed Date: 1/4/16.
Accession Number: 20160104–5550.
Comments Due: 5 p.m. ET 1/25/16.

Docket Numbers: ER15–1196–005.
Applicants: Nevada Power Company.
Description: Compliance filing: OATT Energy Imbalance Market (Definitions-Sched 9-Attach P) to be effective 2/16/2016.
Filed Date: 1/4/16.
Accession Number: 20160104–5421.
Comments Due: 5 p.m. ET 1/25/16.

Docket Numbers: ER15–1429–002.
Applicants: Emera Maine.
Description: Compliance filing: Modify Record Content to be effective 6/1/2015.
Filed Date: 1/4/16.
Accession Number: 20160104–5438.
Comments Due: 5 p.m. ET 1/25/16.

Docket Numbers: ER15–1618–002.
Applicants: Duke Energy Florida, LLC.
Description: Compliance filing: ROE Settlement Revised IA's (2015) to be effective 5/1/2015.
Filed Date: 12/21/15.
Accession Number: 20151221–5260.
Comments Due: 5 p.m. ET 1/11/16.

Docket Numbers: ER15–1896–003.
Applicants: Eden Solar LLC.
Description: Notice of Non-Material Change in Status of Eden Solar, LLC.
Filed Date: 1/4/16.
Accession Number: 20160104–5551.
Comments Due: 5 p.m. ET 1/25/16.

Docket Numbers: ER15–1914–004.
Applicants: 87RL 8me LLC.
Description: Compliance filing: 87RL 8me LLC MBR Tariff to be effective 8/1/2015.
Filed Date: 11/18/15.
Accession Number: 20151118–5208.
Comments Due: 5 p.m. ET 1/26/16.

Docket Numbers: ER15–2231–001.
Applicants: Duke Energy Carolinas, LLC, Duke Energy Florida, LLC.
Description: Compliance filing: DEF ROE Settlement Filing to be effective 1/1/2015.
Filed Date: 12/21/15.
Accession Number: 20151221–5206.
Comments Due: 5 p.m. ET 1/11/16.

Docket Numbers: ER16–681–000.
Applicants: Eden Solar LLC.
Description: Tariff Cancellation: Eden Solar, LLC Notice of Cancellation to be effective 1/15/2016.
Filed Date: 1/4/16.
Accession Number: 20160104–5414.
Comments Due: 5 p.m. ET 1/25/16.

Docket Numbers: ER16–682–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: OATT Revised Sections (EIM Available Balancing Capacity 2) to be effective 2/16/2016.
Filed Date: 1/4/16.
Accession Number: 20160104–5420.
Comments Due: 5 p.m. ET 1/25/16.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES16–9–000.
Applicants: New York State Electric & Gas Corporation.
Description: Amendment to December 10, 2015 Application for Authorization to Issue Short Term Debt of New York State Electric & Gas Corporation.
Filed Date: 12/24/15.
Accession Number: 20151224–5073.
Comments Due: 5 p.m. ET 1/14/16.

Docket Numbers: ES16–10–000.
Applicants: Rochester Gas & Electric Corporation.
Description: Amendment to December 10, 2015 Application for Authorization to Issue Short Term Debt of Rochester Gas and Electric Corporation.
Filed Date: 12/24/15.
Accession Number: 20151224–5074.
Comments Due: 5 p.m. ET 1/14/16.

Docket Numbers: ES16–12–000.
Applicants: Kansas Gas and Electric Company.
Description: Supplement to December 11, 2015 Application under Section 204 of the Federal Power Act of Kansas Gas and Electric Company.
Filed Date: 12/23/15.
Accession Number: 20151223–5100.
Comments Due: 5 p.m. ET 1/13/16.

Docket Numbers: ES16–13–000.
Applicants: Kansas Gas and Electric Company.
Description: Supplement to December 11, 2015 Application under Section 204 of the Federal Power Act of Kansas Gas and Electric Company.
Filed Date: 12/23/15.
Accession Number: 20151223–5099.
Comments Due: 5 p.m. ET 1/13/16.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC13–8–000.
Applicants: Ituiutaba Bioenergia Ltda.
Description: Notification of Non-Material Change in Status of BP Bioenergia Ituiutaba Ltda.

Filed Date: 1/4/16.
Accession Number: 20160104–5546.
Comments Due: 5 p.m. ET 1/25/16.

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: January 5, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00282 Filed 1–8–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–10–000.
Applicants: Columbia Gas of Ohio, Inc.
Description: Tariff filing per 284.123(b)(1)/.: COH SOC to be effective 11/30/2015; Filing Type: 980.
Filed Date: 12/24/15.
Accession Number: 201512245052.
Comments/Protests Due: 5 p.m. ET 1/14/16.

Docket Numbers: RP16–356–000.
Applicants: Equitrans, L.P.
Description: Section 4(d) Rate Filing: Negotiated Capacity Release Agreements—01/01/2016 to be effective 1/1/2016.
Filed Date: 1/4/16.
Accession Number: 20160104–5440.
Comments Due: 5 p.m. ET 1/19/16.

Docket Numbers: RP16–357–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) Rate Filing: 01/04/16 Negotiated Rates—Mercuria Energy Gas Trading LLC (RTS) 7540–02 to be effective 1/1/2016.
Filed Date: 1/4/16.
Accession Number: 20160104–5447.
Comments Due: 5 p.m. ET 1/19/16.

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.

Filings in Existing Proceedings

Docket Numbers: RP16–140–001.
Applicants: Eastern Shore Natural Gas Company.
Description: Compliance filing Filing to Comply with Order Accepting Non-Conforming Agreement to be effective 11/30/2015.
Filed Date: 12/22/15.
Accession Number: 20151222–5143.
Comments Due: 5 p.m. ET 1/4/16.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 5, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00286 Filed 1–8–16; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0762; FRL–9939–60]

Registration Review; Conventional, Biopesticide and Antimicrobial Pesticide Dockets Opened for Review and Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: With this document, EPA is opening the public comment period for several registration reviews. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration review. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before March 11, 2016.

ADDRESSES: Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III. A., 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:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 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 pesticide specific information contact: The person identified as a contact in the table in Unit III. A. Also include the docket ID number listed in the table in Unit III. A. for the pesticide of interest.

For general information contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a

wide range of stakeholders including environmental, human health, farmworker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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 on 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.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Authority

EPA is initiating its review of the pesticides identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136a(g)) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered, or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

A. What action is the Agency taking?

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registrations identified in the table in this unit to assure that they continue to satisfy the FIFRA standard for registration—that is, they can still be used without unreasonable adverse effects on human health or the environment. A pesticide's registration review begins when the Agency establishes a docket for the pesticide's registration review case and opens the docket for public review and comment. At present, EPA is opening registration review dockets for the cases identified in the following table.

TABLE—REGISTRATION REVIEW DOCKETS OPENING

Registration review case name and No.	Docket ID No.	Contact and contact information
Chlorophacinone, 2100	EPA–HQ–OPP–2015–0778	Christina Motilall, *motilall.christina@epa.gov,* (703) 603–0522.
Cyproconazole, 7011	EPA–HQ–OPP–2015–0462	Miguel Zavala, *zavala.miguel@epa.gov,* (703) 347–0504.
Difenoconazole, 7014	EPA–HQ–OPP–2015–0401	Maria Piansay, *piansay.maria@epa.gov,* (703) 308–8063.
Diphacinone, and salts, 2205	EPA–HQ–OPP–2015–0777	Christina Motilall, *motilall.christina@epa.gov,* (703) 603–0522.
Diphenylamine, 2210	EPA–HQ–OPP–2015–0749	Roy Johnson, *johnson.roy@epa.gov,* (703) 347–0492.
Diuron, 0046	EPA–HQ–OPP–2015–0077	Katherine St. Clair, *stclair.katherine@epa.gov,* (703) 347–8778.
Endothall, and salts, 2245	EPA–HQ–OPP–2015–0591	Garland Waleko, *waleko.garland@epa.gov,* (703) 308–8049.
Fenbuconazole, 7012	EPA–HQ–OPP–2015–0716	Nathan Sell, *sell.nathan@epa.gov,* (703) 347–8020.
Flumetralin, 4119	EPA–HQ–OPP–2015–0076	Katherine St. Clair, *stclair.katherine@epa.gov,* (703) 347–8778.
Fluoxastrobin, 7044	EPA–HQ–OPP–2015–0295	Bilin Basu, *basu.bilin@epa.gov,* (703) 347–0325.
Ipconazole, 7041	EPA–HQ–OPP–2015–0590	Brittany Pruitt, *pruitt.brittany@epa.gov,* (703) 347–0289.
Metconazole, 7049	EPA–HQ–OPP–2015–0013	Jordan Page, *page.jordan@epa.gov,* (703) 347–0467.
Nicarbazin, 7628	EPA–HQ–OPP–2015–0101	Bonnie Adler, *adler.bonnie@epa.gov,* (703) 308–8523.
Trimedlure, 6045	EPA–HQ–OPP–2015–0616	Gina Burnett, *burnett.gina@epa.gov,* (703) 605–0513.
Paramenthune 3,8-diol, 6017	EPA–HQ–OPP–2015–0693	Colin Walsh, *walsh.colin@epa.gov,* (703) 308–0298.
Propiconazole, 3125	EPA–HQ–OPP–2015–0459	Linsey Walsh, *walsh.linsey@epa.gov,* (703) 347–8030.
Prothioconazole, 7054	EPA–HQ–OPP–2015–0474	Brian Kettl, *kettl.brian@epa.gov,* (703) 347–0535.
Strychnine, 3133	EPA–HQ–OPP–2015–0754	Susan Bartow, *bartow.susan@epa.gov,* (703) 603–0065.
Tebuconazole, 7004	EPA–HQ–OPP–2015–0378	Jose Gayoso, *gayoso.jose@epa.gov,* (703) 347–8652.
Uniconazole, 7007	EPA–HQ–OPP–2015–0729	Susan Bartow, *bartow.susan@epa.gov,* (703) 603–0065.
Warfarin, and its sodium salt, 0011	EPA–HQ–OPP–2015–0481	Caitlin Newcamp, *newcamp.caitlin@epa.gov,* (703) 347–0325.
Buctenopage against Xanthomonas campestris pv. vesicatoria, 6510 and Pseudomonas syringae pv., 6509.	EPA–HQ–OPP–2015–0702	Kathleen Martin, *martin.kathleen@epa.gov,* (703) 308–2857.

B. Docket Content

1. *Review dockets.* The registration review dockets contain information that the Agency may consider in the course of the registration review. The Agency may include information from its files including, but not limited to, the following information:

- An overview of the registration review case status.
- A list of current product registrations and registrants.
- **Federal Register** notices regarding any pending registration actions.

• **Federal Register** notices regarding current or pending tolerances.
• Risk assessments.
• Bibliographies concerning current registrations.
• Summaries of incident data.
• Any other pertinent data or information.

Each docket contains a document summarizing what the Agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional documents provide more detailed information. During this public comment period, the Agency is asking that interested persons identify any additional information they believe the Agency should consider during the registration review of these pesticides. The Agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

2. *Other related information.* More information on these cases, including the active ingredients for each case, may be located in the registration review schedule on the Agency's Web site at *http://www.epa.gov/oppsrrd1/registration_review/schedule.htm.* Information on the Agency's registration review program and its implementing regulation may be seen at *http://www.epa.gov/oppsrrd1/registration_review.*

3. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

• To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
• The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English, and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
• Submitters must clearly identify the source of any submitted data or information.
• Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

Authority: 7 U.S.C. 136 *et seq.*

Dated: December 24, 2015.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2016–00184 Filed 1–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9941–22–Region 6]

Adequacy Status of the Dallas-Fort Worth, Texas Reasonable Further Progress 8-Hour Ozone Motor Vehicle Emission Budgets for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: EPA is notifying the public that it has found that the motor vehicle emissions budgets (MVEBs) in the Dallas-Fort Worth, Texas (DFW) Reasonable Further Progress (RFP) State Implementation Plan (SIP) revision, submitted on July 10, 2015 by the Texas Commission on Environmental Quality (TCEQ) are adequate for transportation conformity purposes. As a result of EPA's finding, the DFW area must use these budgets for future conformity determinations.

DATES: These budgets are effective January 26, 2016.

FOR FURTHER INFORMATION CONTACT: The essential information in this notice will be available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.* You may also contact Mr. Jeffrey Riley, Air Planning Section (6PD–L), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–8542, Email address: *Riley.Jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refers to EPA. The word ''budget(s)'' refers to the mobile source emissions budget for volatile organic compounds (VOCs) and the mobile source emissions budget for nitrogen oxides (NO_X).

On July 10, 2015, we received a SIP revision from the TCEQ. This revision consisted of an RFP SIP for the DFW ozone nonattainment area. This submission established MVEBs for the DFW area for the year 2017. The MVEB is the amount of emissions allowed in the state implementation plan for on-road motor vehicles; it establishes an emissions ceiling for the regional transportation network. The MVEBs are provided in Table 1:

TABLE 1—DALLAS-FORT WORTH REASONABLE FURTHER PROGRESS NO_X AND VOC MVEBS

[Summer season tons per day]

	2017
NO_X	148.36
VOC	77.18

On August 25, 2015, EPA posted the availability of the DFW area MVEBs on EPA's Web site for the purpose of soliciting public comments, as part of the adequacy process. The comment period closed on September 24, 2015, and we received no comments.

Today's notice is simply an announcement of a finding that EPA has already made. EPA Region 6 sent a letter to TCEQ on December 10, 2015, finding that the MVEBs in the DFW RFP SIP, submitted on July 10, 2015 are adequate and must be used for transportation conformity determinations in the DFW area. This finding has also been announced on EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.*

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule, 40 Code of Federal Regulations (CFR) part 93, requires that transportation plans, programs and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which EPA determines whether a SIP's MVEB is adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). We have also described the process for determining the adequacy of submitted SIP budgets in our July 1, 2004, final rulemaking entitled, ''Transportation Conformity Rule Amendments for the New 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing

Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes'' (69 FR 40004). Please note that an adequacy review is separate from EPA's completeness review, and it should not be used to prejudge EPA's ultimate approval of the DFW RFP SIP revision submittal. Even if EPA finds the budgets adequate, the DFW RFP SIP revision submittal could later be disapproved.

Within 24 months from the effective date of this notice, the DFW-area transportation partners, such as the North Central Texas Council of Governments, will need to demonstrate conformity to the new MVEBs if the demonstration has not already been made, pursuant to 40 CFR 93.104(e). See, 73 FR 4419 (January 24, 2008).

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

Dated: December 29, 2015.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2016–00339 Filed 1–8–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9941–18–Region 2]

Proposed CERCLA Section 122(g)(4) Administrative Settlement Agreement and Order on Consent for the Mercury Refining Superfund Site, Towns of Guilderland and Colonie, Albany County, New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given by the U.S. Environmental Protection Agency (''EPA''), Region 2, of a proposed *de minimis* administrative settlement agreement and order on consent pursuant to Section 122(g)(4) of CERCLA, 42 U.S.C. 9622(g)(4). The settlement agreement also includes settlement of claims under the Federal Priority Statute, 31 U.S.C. 3713 (''FPS''), and the Federal Debt Collection Procedures Act, 28 U.S.C. 3301, *et seq.* (''FDCPA'') under the authority of the Attorney General of the United States to compromise and settle claims of the United States. The settlement is between EPA, Yates Foil USA, Inc., and Craig Yates pertaining to the Mercury Refining Superfund Site (''Site'') located in the Towns of Guilderland and Colonie, Albany County, New York. The settlement requires Yates Foil USA, Inc. and Craig Yates to pay $275,000 to the EPA Hazardous Substance Superfund in reimbursement of response costs incurred by the EPA at the Site. The settlement includes a covenant not to sue pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, relating to the Site, the FPS, 31 U.S.C. 3713, and the FDCPA, 28 U.S.C. 3301 *et seq.,* subject to standard reservations, and protection from contribution actions or claims as provided by Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. 9613(f)(2) and 9622(g)(5). For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region II, 290 Broadway, New York, New York 10007–1866.

DATES: Comments must be submitted on or before February 10, 2016.

ADDRESSES: The proposed settlement is available for public inspection at EPA Region 2 offices at 290 Broadway, New York, New York 10007–1866. Comments should be sent to the individual identified below and should reference the Mercury Refining Superfund Site, Index No. CERCLA–02–2015–2020. To request a copy of the proposed settlement agreement, please contact the individual identified below.

FOR FURTHER INFORMATION CONTACT: Sharon E. Kivowitz, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007–1866. Telephone: 212–637–3183. E-Mail: *kivowitz.sharon@epa.gov.*

Dated: December 30, 2015.

Walter Mugdan,

Director, Emergency and Remedial Response Division, EPA, Region 2.

[FR Doc. 2016–00338 Filed 1–8–16; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Meeting of the Advisory Committee of the Export-Import Bank of the United States (Ex-Im Bank)

SUMMARY: The Advisory Committee was established by Public Law 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the report on competitiveness of the Export-Import Bank of the United States to Congress.

Time and Place: Wednesday, January 20, 2016 from 9:30 a.m. until 3:30 p.m. A break for lunch will be at the expense of the attendee. Security processing will be necessary for reentry into the building. The meeting will be held at Ex-Im Bank in the Main Conference Room—11th Floor, 811 Vermont Avenue NW., Washington, DC 20571.

Agenda: Agenda items include updates for the Advisory Committee members regarding: 2015 Reauthorization Law, EXIMs business and pipeline, and EXIMs report on competitiveness to Congress.

Public Participation: The meeting will be open to public participation, and 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If you plan to attend, a photo ID must be presented at the guard's desk as part of the clearance process into the building, you may contact Tia Pitt at *tia.pitt@exim.gov* placed on an attendee list. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please email Tia Pitt at *tia.pitt@exim.gov* by January 14, 2016.

Members of the Press: For members of the Press planning to attend the meeting, a photo ID must be presented at the guard's desk as part of the clearance process into the building please email Niki Shepperd at *niki.shepperd@exim.gov* to be placed on an attendee list.

Further Information: For further information, contact Tia Pitt, 811 Vermont Ave. NW., Washington, DC 20571, at *tia.pitt@exim.gov.*

Lloyd Ellis,

Program Specialist, Office of the General Counsel.

[FR Doc. 2016–00281 Filed 1–8–16; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10328, CommunitySouth Bank and Trust, Easley, SC

NOTICE IS HEREBY GIVEN that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for CommunitySouth Bank and Trust, Easley, SC (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of McIntosh Commercial Bank on January 21, 2011. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: January 6, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–00280 Filed 1–8–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10289, First Commerce Community Bank, Douglasville, Georgia

NOTICE IS HEREBY GIVEN that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for First Commerce Community Bank, Douglasville, Georgia (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of First Commerce Community Bank on September 17, 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: January 6, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–00278 Filed 1–8–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10207, McIntosh Commercial Bank Carrollton, GA

NOTICE IS HEREBY GIVEN that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for McIntosh Commercial Bank, Carrollton, GA (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of McIntosh Commercial Bank on March 26, 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: January 6, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–00277 Filed 1–8–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission

DATE & TIME: Thursday, January 14, 2016 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes for November 10 and 17, 2015

Remarks by Chairman Matthew S. Petersen

Draft Advisory Opinion 2015–13: Senator Harry Reid

Draft Advisory Opinion 2015–14: Hillary for America

Draft Advisory Opinion 2015–15: WeSupportThat.com

Audit Division Recommendation Memorandum on the Utah State Democratic Committee (USDC) (A13–10)

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2016–00447 Filed 1–7–16; 4:15 pm]

BILLING CODE 6715–01–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 February 5, 2016.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309, or *Applications.Comments@atl.frb.org:*

1. *Fidelity Southern Corporation,* Atlanta, Georgia; to merge with American Enterprise Bankshares, Inc., and thereby acquire American Enterprise Bank, both in Jacksonville, Florida.

B. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Allendale Bancorp, Inc.,* Allendale, Illinois; to acquire 100 percent of the voting shares of First State Bank of West Salem, West Salem, Illinois.

Board of Governors of the Federal Reserve System, January 6, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–00274 Filed 1–8–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission (''Commission'' or ''FTC'').

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act (''PRA''). The FTC seeks public comments on its proposal to extend for an additional three years the current PRA clearance for information collection requirements contained in its Alternative Fuels Rule. That clearance expires on June 30, 2016.

DATES: Comments must be submitted on or before March 11, 2016.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Paperwork Comment: FTC File No. P134200'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/altfuelspra* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements for the Alternative Fuels Rule should be directed to Hampton Newsome, Attorney, (202) 326–2889, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing PRA clearance for the Alternative Fuels Rule, 16 CFR part 309 (OMB Control Number 3084–0094).

The Rule, which implements the Energy Policy Act of 1992, Public Law 102–486, and as revised by the Commission's 2013 final amendments,[1] requires disclosure of specific information on labels posted on fuel dispensers for non-liquid alternative fuels. To ensure the accuracy of these disclosures, the Rule also requires that sellers maintain records substantiating product-specific disclosures they include on these labels.

It is common practice for alternative fuel industry members to determine and monitor fuel ratings in the normal course of their business activities. This is because industry members must know and determine the fuel ratings of their products in order to monitor quality and to decide how to market them. ''Burden'' for PRA purposes is defined to exclude effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.2(b)(2). Moreover, as originally anticipated when the Rule was promulgated in 1995, many of the information collection requirements and the originally estimated hours were associated with one-time start up tasks of implementing standard systems and processes.

Other factors also limit the burden associated with the Rule. Certification may be a one-time event or require only infrequent revision. Disclosures on electric vehicle fuel dispensing systems may be useable for several years. Nonetheless, there is still some burden associated with posting labels. There also will be some minimal burden associated with new or revised certification of fuel ratings and recordkeeping.

I. Annual Hours Burden

4,190 total burden hours

Certification: Staff estimates that the Rule's fuel rating certification requirements will affect approximately 550 industry members (compressed natural gas producers and distributors and manufacturers of electric vehicle fuel dispensing systems) and consume approximately one hour each per year for a total of 550 hours.

[1] 78 FR 23832 (April 23, 2013). The final amendments consolidated the FTC's alternative fueled vehicles (AFV) labels with the then new fuel economy labels required by the EPA thereby eliminating the FTC's separate labeling requirements for used AFV labels.

Recordkeeping: Staff estimates that all 13,000 industry members (all non-liquid fuel producers, distributors, and retailers) will be subject to the Rule's recordkeeping requirements (associated with fuel rating certification) and that compliance will require approximately one-tenth hour each per year for a total of 1,300 hours.

Labeling: Staff estimates that labeling requirements will affect approximately nine of every ten industry members (or roughly 11,700 members out of 13,000), but that the number of annually affected members is approximately 2,340 because labels may remain effective for several years (staff assumes that in any given year approximately 20% of 11,700 industry members will need to replace their labels). Staff estimates that industry members require approximately one hour each per year for labeling their fuel dispensers for a total of 2,340 hours.

Thus, estimated total burden for non-liquid alternative fuels is 4,190 hours (550 + 1,300 + 2,340).

II. Labor Costs

$106,145

Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. According to Bureau of Labor Statistics data for 2014 (most recent available whole-year information),[2] the average compensation for fuel system operators is $30.37 per hour; and $10.90 per hour for automotive service attendants. These are factored into the FTC's estimates and assumptions below.

Certification and labeling: Recordkeeping will be performed by fuel system operators, *i.e.,* producers and distributors of fuels. Estimated associated labor costs would be $87,769. [(550 certification hours + 2,340 labeling hours) × $30.37]

Recordkeeping: Only 1/6 of the total recordkeeping hours will be performed by fuel system operators (1/6 of 1,300 hours = approximately 217 hours; 217 hours × $30.37 = $6,590); the other 5/6 is attributable to service station employees (5/6 of 1,300 hours = approximately 1,083 hours; 1,083 hours × $10.90 = $11,805). Thus, the labor cost due to recordkeeping for affected industry is approximately $18,395 ($6,590 for fuel system operators + $11,805 for service station employees).

Associated labor cost: $106,164 ($87,769 for certification and labeling costs + $18,395 for recordkeeping costs).

III. Non-Labor Cost Burden

Staff believes that there are no current start-up costs associated with the Rule, inasmuch as the Rule has been in effect since 1995. Industry members, therefore, have in place the capital equipment and means necessary to determine automotive fuel ratings and comply with the Rule. Industry members, however, incur the cost of procuring fuel dispenser labels to comply with the Rule.

The estimated annual fuel labeling cost, based on estimates of approximately 5,000 fuel dispensers (assumptions: An estimated 20% of 12,500 total fuel retailers need to replace labels in any given year with an approximate five-year life for labels—*i.e.,* 2,500 retailers—multiplied by an average of two dispensers per retailer) at thirty-eight cents for each label (per industry sources), is $1,900 ($0.38 × 5,000).

IV. Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 11, 2016. Write ''Paperwork Comment: FTC File No. P134200'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, like medical records or other individually identifiable health information. In addition, don't include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2).

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c)).[3] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/altfuelspra,* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Paperwork Comment: FTC File No. P134200'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 11, 2016. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *http://www.ftc.gov/ftc/privacy.htm.*

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

[2] The wage estimates in this Notice are based on mean hourly wages found at *http://www.bls.gov/news.release/ocwage.nr0.htm* (''Occupational Employment and Wages—May 2014,'' U.S. Department of Labor, released March 2015, Table 1 (''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2014'').

[3] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), CFR 4.9(c), 16 CFR 4.9(c).

(2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information.

David C. Shonka,

Acting General Counsel.

[FR Doc. 2016–00244 Filed 1–8–16; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–CECANF–2016–01; Docket No. 2016–0004; Sequence No. 1]

Commission To Eliminate Child Abuse and Neglect Fatalities; Commission To Eliminate Child Abuse and Neglect Fatalities; Announcement of Meeting

AGENCY: Commission To Eliminate Child Abuse and Neglect Fatalities, GSA.

ACTION: Meeting notice.

SUMMARY: The Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF), a Federal Advisory Committee established by the Protect Our Kids Act of 2012, will hold conference calls open to the public on the following dates: Thursday, January 14, 2016 and Saturday, January 16, 2016.

DATES: The meeting on Thursday, January 14, 2016 will be held from 5:00 p.m. to 7:00 p.m., Eastern Standard Time (EST). The meeting on Saturday, January 16, 2016 will be held from 2:00 p.m. to 4:00 p.m., Eastern Standard Time (EST).

ADDRESSES: CECANF will convene these meetings via conference call. Submit comments identified by ''Notice–CECANF–2016–01,'' by either of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''Notice–CECANF–2016–01.'' Select the link ''Comment Now'' that corresponds with ''Notice–CECANF–2016–01.'' Follow the instructions provided on the screen. Please include your name, organization name (if any), and ''Notice–CECANF–2016–01'' on your attached document.
- *Mail:* U.S. General Services Administration, 1800 F Street NW., Room 7003D, Washington, DC 20405, Attention: Tom Hodnett (CD) for CECANF.

Instructions: Please submit comments only and cite ''Notice–CECANF–2016–01'' in all correspondence related to this notice. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Visit the CECANF Web site at *https://eliminatechildabusefatalities.sites.usa.gov/* or contact Patricia Brincefield, Communications Director, at 202–818–9596, General Services Administration, 1800 F Street NW., Room 7003D, Washington, DC 20405, Attention: Tom Hodnett (CD) for CECANF.

SUPPLEMENTARY INFORMATION:

Background: CECANF was established to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

Agenda: Commission members will deliberate on the final report.

Attendance at the Meetings: Individuals interested in participating by teleconference should dial 1–888–289–4573 and then enter 6966324#. Detailed meeting minutes will be posted within 90 days of the meeting. Members of the public will not have the opportunity to ask questions or otherwise participate in the meeting.

However, members of the public wishing to comment should follow the steps detailed under the heading **ADDRESSES** in this publication or contact us via the CECANF Web site at *https://eliminatechildabusefatalities.sites.usa.gov/contact-us/.*

The reason CECANF is providing less than 15 calendar days' notice for this meeting is because of the short timeframe allowed for Commissioners to hold a final deliberation on the draft report before its publication date.

Dated: January 5, 2016.

Karen White,

Executive Assistant.

[FR Doc. 2016–00343 Filed 1–8–16; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–0604]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

The School-Associated Violent Death Surveillance System (SAVD)—Revision (OMB Control No. 0920–0604, expiration 04/30/2016)—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

School-associated violence, particularly homicides and suicides that occur in schools, has been a significant public concern for several years. Despite the important role of schools as a setting for violence research and prevention interventions, relatively little scientific or systematic work has been conducted to describe the nature and level of fatal violence associated with schools. Public health and education officials have had to rely on limited local studies and estimated numbers to describe the extent of school-associated violent death. As a result, the U.S. Department of Education (DOE) requested assistance from the Division of Violence Prevention (DVP)/National Center for Injury Prevention and Control (NCIPC) in establishing an ongoing surveillance system of school-associated violent deaths (SAVD) in the United States with the goal of tracking and monitoring the extent of this problem on an ongoing basis. The SAVD surveillance system remains the only systematic effort to document school-associated violent deaths on a national basis. Data from the SAVD surveillance system are intended to contribute to the understanding of fatal violence associated with schools, guide further research in the area, and help direct ongoing and future prevention programs.

The data collection methodology involves investigators reviewing public records and published press reports concerning each SAVD. For each identified case, investigators will interview an investigating law enforcement official and a school official who are knowledgeable about the case in question. Researchers will request information on both the victim and alleged offender(s)—including demographic data, their academic and criminal records, and their relationship to one another. They will also collect data on the time and location of the death; the circumstances, motive, and method of the fatal injury; and the security and violence prevention activities in the school and community where the death occurred, before and after the fatal injury event. Additionally, law enforcement reports on each case are obtained. The study population will include the victims and offenders from all identified events in which there was a school-associated violent death in the U.S.

The surveillance system will continue to contribute to the understanding of fatal violence associated with schools, guide further research in the area, and help direct ongoing and future prevention programs. Data collected through the surveillance system will be reviewed and used by CDC, the US Department of Education, the US Department of Justice, and other outside agencies and organizations.

OMB approval is requested for three years. The only cost to respondents will be time spent on the telephone responding to the survey.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours (in hours)
Law Enforcement Officer	Law Enforcement Interview Tool	35	1	65/60	38
School Official	School Official Interview Tool	35	1	65/60	38
Total					76

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–00276 Filed 1–8–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–0941]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Evaluation of Dating Matters®: Strategies to Promote Healthy Teen Relationships—Revision (OMB# 0920–0941, expiration date 5/30/2016)—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) is seeking a revision request that will enable continued longitudinal follow-up for CDC's teen dating violence (TDV) prevention initiative, Dating Matters®: Strategies to Promote Healthy Teen Relationships. Approval of this revision request will

allow us to continue to assess the effectiveness of the CDC-developed comprehensive approach to TDV for longer-term follow-up as the students in our sample age and their engagement in dating relationships increases. The current evaluation of Dating Matters® tests a comprehensive approach to prevent TDV among youth in high-risk urban communities. In order to address gaps in effective prevention programming for youth in urban communities with high crime and economic disadvantage, who may be at highest risk for TDV perpetration and victimization, Dating Matters® focuses on middle school youth with universal primary prevention strategies aimed at building a foundation of healthy relationship skills before dating and/or TDV is initiated.

All data collected as part of this request will be used in the longitudinal outcome evaluation of the Dating Matters® initiative. No teen dating violence comprehensive program has been developed and implemented specifically for high risk urban communities. Further, no other data source exists to examine the effectiveness of the Dating Matters® initiative for preventing dating violence. The evaluation utilizes a cluster randomized design in which 46 schools in four funded communities (Alameda County, California; Baltimore, Maryland; Broward County, Florida; and, Chicago, Illinois), were randomized to either Dating Matters® or standard practice.

CDC seeks to continue evaluation activities in these four communities. Therefore, this data collection is critical to understand the effectiveness, feasibility, and cost of Dating Matters® and to inform decisions about disseminating the program to other communities.

OMB approval is requested for three years for this revision. The only cost to respondents will be time spent on responding to the survey. A total of 4,399 respondents will be approached on an annual basis with an average estimated burden of 45/60 minutes per respondent per year (3,299 burden hours).

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (hours)
Student Program Participant	Student Outcome Survey Follow-up	4,399	1	45/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–00287 Filed 1–8–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC)

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces, the following meeting of the aforementioned committee:

Time and Date: 9:00 a.m.–3:00 p.m., EST, January 28, 2016 (OPEN).

Public Comment Time and Date: 1:00 p.m.–2:30 p.m.*, EST, January 28, 2016.

* Please note that the public comment period ends at the time indicated above or following the last call for comments, whichever is earlier. Members of the public who want to submit comments must pre-register by January 18, 2016 to *opioidsguidelines@cdc.gov.* All requests must contain the name, address, email address, organizational affiliation of the speaker, and the topic being addressed with accompanying written comments. Written comments should be limited to one page single spaced with 1 inch margins.

Members of the public must indicate at pre-registration whether they would like to deliver oral remarks in addition to written comment. Comments may be delivered in person or by phone and will be assigned on a first come-first served basis until all time slots are filled. Speakers providing public comment must call in or be present at the beginning of the public comment period. All public comments will be limited to two minutes per speaker. Since the number of time slots is limited, it is requested that each organization register one speaker to represent their organization. Both oral and written comments will be included in the official record of the meeting.

Place: Centers for Disease Control and Prevention, Building 21, Auditorium B–3, 1600 Clifton Road NE., Atlanta, GA 30329.

Audio Conference toll-free dial-in Number: 1–888–469–1243, Participant Code: 4709506, TTY accessible link: *http://www.captionedtext.com/client/event.aspx?CustomerID=1891&EventID=2812716.*

CDC encourages participation by persons with disabilities. Captions and participation by persons with communications challenges will be available online via Relay Conference Captioning. To view the online captions at the start time of the event, please login for captioning at *http://www.captionedtext.com/client/event.aspx?CustomerID=1891&EventID=2812716.*

Requests for accommodations, questions, or comments on accessibility (Section 508) compliance may be directed to Tonia Lindley, *imx9@cdc.gov.*

Status: The meeting as designated above will be open to the public limited only by the space available. The meeting room will accommodate up to 200 people. See instructions above regarding pre-registration and delivering public comment.

Purpose: The Board will: (1) Conduct, encourage, cooperate with, and assist other appropriate public health authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases, and other impairments; (2) assist States and their political subdivisions in preventing and suppressing communicable and non-communicable diseases and other preventable conditions and in promoting health and well-being; and (3) conduct and assist in research and control activities related to injury.

The Board of Scientific Counselors makes recommendations regarding policies, strategies, objectives, and priorities; and reviews progress toward injury prevention goals and provides

evidence in injury prevention-related research and programs. The Board also provides advice on the appropriate balance of intramural and extramural research, the structure, progress and performance of intramural programs. The Board is designed to provide guidance on extramural scientific program matters, including the: (1) Review of extramural research concepts for funding opportunity announcements; (2) conduct of Secondary Peer Review of extramural research grants, cooperative agreements, and contracts applications received in response to the funding opportunity announcements as it relates to the Center's programmatic balance and mission; (3) submission of secondary review recommendations to the Center Director of applications to be considered for funding support; (4) review of research portfolios, and (5) review of program proposals.

Matters for Discussion: The Board of Scientific Counselors will discuss the draft recommendations in the CDC Guideline for Prescribing Opioids for Chronic Pain (Guideline), as well as observations formulated in the Opioid Guideline Workgroup Report. There will be 90 minutes allotted for public comments at the end of the session. See above instructions on pre-registration for public comment. A transcript of the meeting and public comments received at the meeting will be posted to the docket at *www.regulations.gov* (Docket No. CDC–2015–0112).

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Arlene Greenspan, Dr.P.H., M.P.H., P.T. Associate Director for Science, NCIPC, CDC, 4770 Buford Highway NE., Mailstop F–63, Atlanta, GA 30341, Telephone (770) 488–4696; Email *opioidsguidelines@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2016–00265 Filed 1–8–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–16BM]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Airline and Maritime Conveyance Manifest Orders—Existing Information Collection in use without an OMB Control Number—Division of Global Migration and Quarantine, National Center for Emerging Zoonotic and Infectious Diseases, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Under the Public Health Service Act (42 United States Code 264) and under 42 Code of Federal Regulations (CFR) § 71.32(b) and 42 CFR 70.2, CDC can order airlines and maritime lines operating conveyances arriving from another country or traveling between states to submit a record for passengers and crew that CDC believes were exposed to co-traveler infected with a communicable disease of public health concern.

Stopping a communicable disease outbreak—whether it is naturally occurring or intentionally caused—requires the use of the most rapid and effective public health tools available. Basic public health practices, such as collaborating with airlines in the identification and notification of potentially exposed contacts, are critical tools in the fight against the introduction, transmission, and spread of communicable diseases in the United States.

The collection of comprehensive, pertinent contact information enables Quarantine Public Health Officers in CDC's Division of Global Migration and Quarantine (DGMQ) to notify state and local health departments in order for them to make contact with individuals who may have been exposed to a contagious person during travel and identify appropriate next steps.

In the event that there is a confirmed case of communicable disease of public health concern aboard an aircraft or ship, CDC collects manifest information for those passengers and crew at risk for exposure. This specific manifest information collection differs depending on the communicable disease that is confirmed during air or maritime travel. CDC then uses this passenger and crew manifest information to coordinate with state and local health departments so they can follow-up with residents who live or are currently located in their jurisdiction. In general, state and local health departments are responsible for the contact investigations. In rare cases, CDC may use the manifest data to perform the contact investigation directly. In either case, CDC works with state and local health departments to ensure individuals are contacted and provided appropriate public health follow-up.

CDC estimates that for each traveler manifest ordered, airlines require approximately six hours to review the order, search their records, and send those records to CDC. There is no cost to respondents other than their time

perform these actions. CDC does not have a specified format for these submissions. The total estimated burden to respondents as a result of this information collection is 750 hours per year. While CDC has included maritime conveyance manifest orders in the public health rationale for this information collection, these orders are rare and are not included in the burden table.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Airline Medical Officer or Equivalent	Domestic TB Manifest Template	1	1	360/60
Airline Medical Officer or Equivalent	Domestic Non-TB Manifest Template	28	1	360/60
Airline Medical Officer or Equivalent	International TB Manifest Template	67	1	360/60
Airline Medical Officer or Equivalent	International Non-TB Manifest Template	29	1	360/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–00275 Filed 1–8–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[CMS–9935–N]

HHS-Operated Risk Adjustment Methodology Meeting; March 25, 2016

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

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting on the HHS-operated risk adjustment program, which is open to the public. The purpose of this stakeholder meeting is to solicit feedback on the HHS-operated risk adjustment methodology and to discuss potential improvements to the HHS risk adjustment methodology for the 2018 benefit year and beyond. This meeting, the ''HHS-operated Risk Adjustment Methodology Conference,'' will allow issuers, States, and other interested parties to discuss the contents of a White Paper to be published in advance of this meeting. This meeting will also provide an opportunity for participants to ask clarifying questions. The comments and information HHS obtains through this meeting may be used in future policy making for the HHS risk adjustment program.

DATES: *Date of Meeting:* March 25, 2016 from 9:00 a.m. to 4:30 p.m., Eastern daylight time (e.d.t.).

Deadline for Onsite Participation: March 18, 2016, 5:00 p.m., e.d.t.

Deadline for Webinar Meeting Participation: March 23, 2016, 5:00 p.m. e.d.t.

Deadline for Requesting Special Accommodations: March 18, 2016, 5:00 p.m. e.d.t.

Meeting Address: The meeting will be held at the CMS Single Site campus, 7500 Security Boulevard, Baltimore, MD 21244.

Registration: Registration will be on a first-come, first-serve basis, limited to two (2) participants per organization for the onsite location participation, and three (3) participants per organization for the webinar participation. Each individual can only register for either the onsite location participation or webinar participation. To change a registration option from onsite to webinar participation, the registrant must cancel the existing registration (onsite or webinar) before attempting to register for the other option.

Registration Instructions: To register to attend the meeting either onsite or through webinar participation, visit the Registration for Technical Assistance Portal (REGTAP) at *www.REGTAP.info.* If not already a REGTAP user, register as a new user, log in and go to ''My Dashboard'' and select ''Training Events'' to register for the onsite or webinar event for the HHS-operated Risk Adjustment Methodology Meeting. Registrants can only register to attend the meeting onsite at CMS *or* remotely by webinar.

FOR FURTHER INFORMATION CONTACT: For further information, please send inquiries about the logistics of the meeting to *registrar@REGTAP.info.* Users should submit inquiries and comments pertaining to content covered during the meeting to *www.REGTAP.info.* To submit an inquiry in REGTAP, select ''Submit an Inquiry'' from ''My Dashboard'' then select ''HHS-operated Risk Adjustment Methodology Meeting'' from the Event Title dropdown menu and enter the question or comment. Users can submit their comments and upload attachments as needed. REGTAP will send the user an acknowledgement upon receipt of the comment. The CCIIO's Press Office at (202) 690–6145 will handle all press inquiries.

SUPPLEMENTARY INFORMATION:

I. Background

This notice announces a meeting on the HHS-operated risk adjustment program to discuss potential improvements to the HHS risk adjustment methodology for the 2018 benefit year and beyond. This meeting will focus on the permanent risk adjustment program under section 1343 of the Affordable Care Act when HHS is operating a risk adjustment program on behalf of a State (referred to as the HHS-operated risk adjustment program).

We are committed to stakeholder engagement in developing the detailed processes of the HHS-operated risk adjustment program. The purpose of this meeting is to share information with issuers, States, and interested parties about the risk adjustment methodology, offer an opportunity for these stakeholders to comment on key elements of the risk adjustment methodology, and discuss potential improvements to the HHS risk adjustment methodology for the 2018 benefit year and beyond.

II. Meeting Agenda

The HHS-operated Risk Adjustment Methodology Conference will share information with stakeholders including issuers, States, and interested parties about the HHS-operated risk adjustment methodology and gather feedback on a White Paper on the HHS-operated risk adjustment methodology that will be issued in March 2016. The HHS-operated Risk Adjustment Methodology Conference will focus on an overview of the HHS-operated risk adjustment methodology and other international risk adjustment models, what we have learned from the 2014 benefit year of the risk adjustment program and specific areas of potential refinements to the

methodology. The meeting is open to the public, but attendance is limited to the space available. There are capabilities for remote access. Persons wishing to attend this meeting must register by the date listed in the **DATES** section, and register using the information in the ''REGISTRATION'' section.

III. Security, Building, and Parking Guidelines

The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register by using the instructions in the ''REGISTRATION'' section of this notice by the date specified in the **DATES** section of this notice.

This meeting will be held in a Federal government building; therefore, Federal security measures are applicable. We recommend that confirmed registrants arrive reasonably early, but no earlier than 45 minutes prior to the start of the meeting, to allow additional time to clear security. Security measures include the following:

- Presentation of government-issued photographic identification to the Federal Protective Service or Guard Service personnel.
- Inspection of vehicle's interior and exterior (this includes engine and trunk inspection) at the entrance to the grounds. Parking permits and instructions will be issued after the vehicle inspection.
- Inspection, via metal detector or other applicable means of all persons brought entering the building. We note that all items brought into CMS, whether personal or for the purpose of presentation or to support a presentation, are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for presentation or to support a presentation.

Note: Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting. The public may not enter the building earlier than 45 minutes prior to the convening of the meeting.

All visitors must be escorted in areas other than the lower and first floor levels in the Central Building.

Dated: January 4, 2016.

Andrew Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2016–00219 Filed 1–8–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Vaccine Advisory Committee

AGENCY: National Vaccine Program Office, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the National Vaccine Advisory Committee (NVAC) will hold a meeting February 2–3, 2016. The meeting is open to the public. However, pre-registration is required for both public attendance and public comment. Individuals who wish to attend the meeting and/or participate in the public comment session should register at *http://www.hhs.gov/nvpo/nvac/meetings/upcomingmeetings/.* Participants may also register by emailing *nvpo@hhs.gov* or by calling 202–690–5566 and providing their name, organization, and email address.

DATES: The meeting will be held on February 2–3, 2016. The meeting times and agenda will be posted on the NVAC Web site at *http://www.hhs.gov/nvpo/nvac/meetings/upcomingmeetings/* as soon as they become available.

ADDRESSES: U.S. Department of Health and Human Services, Hubert H. Humphrey Building, the Great Hall, 200 Independence Avenue SW., Washington, DC 20201.

The meeting can also be accessed through a live webcast the day of the meeting. For more information, visit *http://www.hhs.gov/nvpo/nvac/meetings/upcomingmeetings/index.html.*

FOR FURTHER INFORMATION CONTACT: National Vaccine Program Office, U.S. Department of Health and Human Services, Room 715–H, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Phone: (202) 690–5566; email: *nvpo@hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 2101 of the Public Health Service Act (42 U.S.C. 300aa–1), the Secretary of Health and Human Services was mandated to establish the National Vaccine Program to achieve optimal prevention of human infectious diseases through immunization and to achieve optimal prevention against adverse reactions to vaccines. The NVAC was established to provide advice and make recommendations to the Director of the National Vaccine Program on matters related to the Program's responsibilities. The Assistant Secretary for Health serves as Director of the National Vaccine Program.

The February 2016 NVAC meeting agenda will include discussions on mechanisms to support vaccine development and innovation, vaccine pricing and purchasing behaviors in the private vaccine market, and quality measures for adult immunizations. The NVAC will hear an update on progress towards a mid-course review of the 2010 National Vaccine Plan, as well as an update from the NVAC Maternal Immunizations Working Group. Committee members also will be provided information on ongoing Departmental efforts to support the pre-departure vaccination of U.S.-bound refugees. Please note that agenda items are subject to change as priorities dictate. Information on the final meeting agenda will be posted prior to the meeting on the NVAC Web site: *http://www.hhs.gov/nvpo/nvac.*

Public attendance at the meeting is limited to the available space. Individuals who plan to attend in person and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the National Vaccine Program Office at the address/phone listed above at least one week prior to the meeting. For those unable to attend in person, a live webcast will be available. More information on registration and accessing the webcast can be found at *http://www.hhs.gov/nvpo/nvac/meetings/upcomingmeetings/.*

Members of the public will have the opportunity to provide comments at the NVAC meeting during the public comment periods designated on the agenda. Public comments made during the meeting will be limited to three minutes per person to ensure time is allotted for all those wishing to speak. Individuals are also welcome to submit their written comments. Written comments should not exceed three pages in length. It is requested that individuals submitting written comments email their comments to the National Vaccine Program Office (*nvpo@hhs.gov*) at least five business days prior to the meeting.

Dated: January 5, 2016.

Bruce Gellin,

Executive Secretary, National Vaccine Advisory Committee, Deputy Assistant Secretary for Health, Director, National Vaccine Program Office.

[FR Doc. 2016–00319 Filed 1–8–16; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute: Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Lung Vascular Barrier Integrity PPG Review Meeting.

Date: February 4, 2016.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Charles Joyce, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892–7924, 301–435–0288 *cjoyce@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 5, 2016.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00207 Filed 1–8–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute: Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: February 10, 2016.

Open: 8:00 a.m. to 1:00 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Porter Neuroscience Research Center, Building 35A, Convent Drive, Bethesda, MD 20892.

Closed: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Porter Neuroscience Research Center, Building 35A, Convent Drive, Bethesda, MD 20892.

Contact Person: Jodi Black, Ph.D., Acting Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7104, Bethesda, MD 20892, (301) 435–0260, *blackj@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/nhlbac/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 5, 2016.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00208 Filed 1–8–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke: 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 Neurological Disorders and Stroke Special Emphasis Panel; NIH/NINDS BRAIN Initiative: X02 Teleconference.

Date: January 14, 2016.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Ernest W. Lyons, Ph.D., Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–4056, *lyonse@ninds.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: January 5, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00205 Filed 1–8–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development: Notice of Closed 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 section 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Health, Behavior, and Context Subcommittee.

Date: February 9, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Priscah Mujuru, DRPH, MPH, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Suite 5B01, Bethesda, MD 20892–7510, 301–435–6908, *mujurup@mail.nih.gov*.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Health, Behavior, and Context Subcommittee.

Date: February 26, 2016.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Washington, 1515 Rhode Island Ave. NW., Washington, DC 20005.

Contact Person: Marita R. Hopmann, Ph.D., Scientific Review Administrator, Scientific Review Branch, National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5b01, Bethesda, MD 20892, (301) 435–6911, *hopmannm@mail.nih.gov*.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Health, Behavior, and Context Subcommittee.

Date: March 4, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Joanna Kubler-Kielb, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–7510, 301–435–6916, *kielbj@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: January 5, 2016.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00206 Filed 1–8–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; 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.

Proposed Project: Survey of Current and Alumni SAMHSA Fellows of the Minority Fellowship Program (MFP) (OMB No. 0930–0304)—REVISION

SAMHSA is requesting approval from the Office of Management and Budget (OMB) to revise the collection of surveys of current and alumni MFP fellows to include current and alumni fellows from the Now Is The Time-MFP-Youth (NITT–MFP–Y) and NITT–MFP-Addiction Counselors (NITT–MFP–AC) grant programs. These surveys would gather information about current and alumni fellows in all three programs that will help SAMHSA meet its responsibilities under the Government Performance and Results Modernization Act for gathering, analyzing, and interpreting information about government-funded programs such as the MFP, the NITT–MFP–Y, and the NITT–MFP–AC.

In 1973, in response to a substantial lack of ethnic and racial minorities in the mental health professions, the Center for Minority Health at the National Institute of Mental Health established the MFP. Since its move to SAMHSA in 1992, the MFP has continued to facilitate the entry of graduate students and psychiatric residents into mental health careers and has increased the number of psychology, psychiatry, nursing, and social work professionals trained to provide mental health and substance abuse services to minority groups. In 2014, funds were appropriated to expand the traditional MFP to include two programs to support the President's NITT initiative: NITT–MFP–Y and NITT–MFP–AC. These programs provide stipends and tuition support to students pursuing master's level training in behavioral health fields like psychology, social work, professional counseling, marriage and family therapy, nursing, and addiction/substance abuse counseling, thus directly supporting the NITT goal of increasing behavioral health services for youth and contributing to making schools safer. The traditional MFP offers sustained grants to six national behavioral health professional

associations: The American Association of Marriage and Family Therapy (AAMFT), the American Nurses Association (ANA), the American Psychiatric Association (ApA), the American Psychological Association (APA), the Council on Social Work Education (CSWE), and the National Board for Certified Counselors and Affiliates (NBCC). The grantees for the NITT–MFP–Y program are the AAFMT, ANA, APA, CSWE, and NBCC, and the grantees for the NITT–MFP–AC program are the NAADAC—Association for Addiction Professionals and NBCC.

This package includes two survey instruments, the Current SAMHSA MFP Fellows survey and the MFP Alumni survey, which have previously been administered to current and alumni fellows of the traditional MFP grant program. SAMHSA is requesting approval from OMB to include respondents (*i.e.,* fellows) from the NITT–MFP–Y and NITT–MFP–AC programs and to add 13 and 10 questions to the Current SAMHSA MFP Fellows and MFP Alumni surveys, respectively. Although the aims of the traditional MFP and the NITT–MFPs are similar, some aspects of the NITT–MFPs are unique. For example, the focus on master's-level students (versus doctoral) and on providing culturally competent behavioral health services specifically to youth and transition-aged young adults. Thus, approval is requested to add questions to the surveys to ensure that the information needed to evaluate the NITT–MFPs is captured. The surveys will include appropriate skip patterns so that traditional MFP fellows are not asked questions that do not apply to them.

The two online surveys (with the option for a hard copy mailed through the U.S. Postal Service) will be used with the following stakeholders in the MFP grant programs:

1. *Current SAMHSA MFP Fellows (n=428)*

a. *Current traditional MFP Fellows* currently receiving support during their doctoral-level training or psychiatric residency will be asked about their experiences in the MFP (from recruitment into the program through their participation in the various activities provided by the grantees).

b. *Current NITT–MFP–Y and NITT–MFP–AC Fellows* currently receiving support during the final year of their master's programs in behavioral health or related field will be asked about their experiences in the MFP (from recruitment into the program through their participation in the various activities provided by the grantees).

2. *MFP Alumni (n=1,440)*

a. *Traditional MFP Alumni* who participated in the MFP during the time the program was administered by SAMHSA will be asked about their previous experiences as fellows in the MFP and also about their subsequent involvement and leadership in their professions.

b. *NITT–MFP–Y and NITT–MFP–AC Alumni* who participated in the MFP during their master's program will be asked about their previous experiences as fellows in the MFP and also about their subsequent involvement and leadership in their professions.

The information gathered by these two surveys will be used to gain insights into, and to document, impacts that the MFP has had and is having on current and former MFP fellows, and contributions and impacts that the current and former fellows are making in their work. The surveys include questions to assess the following measures: Completion of the fellowship program (*e.g.,* completion of MFP goals, number of mentors, total mentored hours); post-fellowship employment (*e.g.,* employment types and fields, targeted service populations); increase in skills/knowledge (*e.g.,* number of certifications obtained, number of continuing education hours); and contributions to the field (*e.g.,* number of professional publications).

The survey data will also be utilized in an evaluation of the NITT–MFP programs. The requested additional questions will allow the evaluation to assess the overall success of the SAMHSA NITT initiative in enhancing the behavioral health workforce in terms of the number of master's level behavioral health specialists trained with MFP support, their competencies and characteristics, and their capacity to meet behavioral health workforce needs. The evaluation will also explore whether the program results in increased knowledge, skills, and aptitude among NITT–MFP fellows to provide culturally competent behavioral health services to underserved, at risk children, adolescents, and transition-age youth (ages 16–25); and how these new behavioral health professionals are sustained in the workforce.

The total annual burden estimate for conducting the surveys is shown below:

Survey name	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
SAMHSA MFP Current Fellows Survey	428	1	428	0.42	180
SAMHSA MFP Alumni Survey	1,440	1	1,440	0.75	1,080
Totals	[a] 1,868		1,868		1,260

[a] This is an unduplicated count of total respondents.

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 or email a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by March 11, 2016.

Summer King,

Statistician.

[FR Doc. 2016–00279 Filed 1–8–16; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX16BA02EEW0200]

Agency Information Collection Activities: Request for Comments

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of extension of a currently approved information collection, (1028–0103).

SUMMARY: We (the U.S. Geological Survey) are notifying the public that we have submitted to the Office of Management and Budget (OMB) the information collection request (ICR) described below. To comply with the Paperwork Reduction Act of 1995 (PRA) and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public to take this opportunity to comment on this ICR. This collection is scheduled to expire on January 31, 2016.

DATES: To ensure that your comments on this ICR are considered, OMB must receive them on or before February 10, 2016.

ADDRESSES: Please submit written comments on this information collection directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, via email: (*OIRA_SUBMISSION@omb.eop.gov*); or by fax (202) 395–5806; and identify your submission with 'OMB Control Number 1028–0103 USA National Phenology Network—The Nature's Notebook Plant and Animal Observing Program'. Please also forward a copy of your comments and suggestions on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7195 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'OMB Information Collection 1028–0103: USA National Phenology Network—The Nature's Notebook Plant and Animal Observing Program' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Jake Weltzin, U.S. Geological Survey, 325 BioSciences East, 1311 East 4th Street, Tucson, AZ 85721 (mail); (520) 626–3821 (phone); or *jweltzin@usgs.gov* (email). You may also find information about this ICR at *www.reginfo.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The USA National Phenology Network (USA–NPN) is a program sponsored by the USGS that uses standardized forms for tracking plant and animal activity as part of a project called Nature's Notebook. The Nature's Notebook forms are used to record phenology (*e.g.,* timing of leafing or flowering of plants and reproduction or migration of animals) as part of a nationwide effort to understand and predict how plants and animals respond to environmental variation and changes in weather and climate. Contemporary data collected through Nature's Notebook are quality-checked, described and made publicly available. Data are used to inform decision-making in a variety of contexts, including agriculture, drought monitoring, and wildfire risk assessment. Phenological information is also critical for the management of wildlife, invasive species, and agricultural pests, and for understanding and managing risks to human health and welfare, including allergies, asthma, and vector-borne diseases. Participants may contribute phenology information to Nature's Notebook through a browser-based web application or via mobile applications for iPhone and Android operating systems, meeting GPEA requirements. The web application interface consists several components: User registration, a searchable list of 1,016 plant and animal species which can be observed; a ''profile'' for each species that contains information about the species including its description and the appropriate monitoring protocols; a series of interfaces for registering as an observer, registering a site, registering plants and animals at a site, generating datasheets to take to the field, and a data entry page that mimics the datasheets.

II. Data

OMB Control Number: 1028–0103.

Form Number: Various (12 forms).

Title: USA National Phenology Network—The Nature's Notebook Plant and Animal Observing Program.

Type of Request: Extension without change of a currently approved information collection.

Respondent Obligation: Voluntary.

Frequency of Collection: On occasion. During the Spring and Fall seasons when phenology is changing quickly, we recommend respondents make observations once or twice per week as conditions allow.

Description of Respondents: Members of the public, and state and local government workers.

Estimated Total Number of Annual Responses: We project that 6,378 responders will register with Nature's Notebook, and of those 638 will watch the training videos. The same 6,378 responders will contribute 2,407,120 observation records. In total, this will result in 2,414,136 responses.

Estimated Time per Response: When joining the program, responders spend 13 minutes each to register and read guidelines and 83 minutes to watch all training videos. After that responders may spend about 2 minutes per record to observe and submit phenophase status record.

Estimated Annual Burden Hours: 82,502.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: $11,274.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Comments: On August 7, 2015, we published a **Federal Register** notice (80 FR 47511) announcing that we would submit this ICR to OMB for approval and soliciting comments. The comment period closed on October 6, 2015. We received no comments.

III. Request for Comments

We again invite comments concerning this ICR as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us and the OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Jake Weltzin,

Program Manager, Status & Trends Program and Executive Director, USA National Phenology Network.

[FR Doc. 2016–00266 Filed 1–8–16; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[167 A2100DD/AAKC001030/ A0A501010.999900]

Stillaguamish Tribe of Indians—Amendment to Liquor Control Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Stillaguamish Tribe of Indians Liquor Control Ordinance. The ordinance allows the Tribe to manufacture beer, and allows for the sale, distribution, and tribal taxation of beer within the jurisdiction of the Stillaguamish Tribe of Indians. This Ordinance repeals and replaces the previous liquor control ordinance published in the **Federal Register** on June 12, 2012 (77 FR 34982).

DATES: This ordinance is effective January 11, 2016.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Norton, Tribal Government

Officer, Northwest Regional Office, Bureau of Indian Affairs, 911 NE 11th Avenue, Portland, OR 97232; Telephone: (503) 231–6702; Fax: (503) 231–2201, or Ms. Laurel Iron Cloud, Chief, Division of Tribal Government Services, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW., MS–4513–MIB, Washington, DC 20240; Telephone: (202) 513–7641.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Stillaguamish Tribe of Indians duly adopted Resolution Number 2015/099 on May 28, 2015.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Stillaguamish Tribe of Indians duly adopted this amendment to the Stillaguamish Tribe of Indians Liquor Ordinance by Resolution Number 2015/099 on May 28, 2015.

Dated: December 21, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

SUBCHAPTER 600

STILLAGUAMISH TRIBE OF INDIANS LIQUOR CONTROL ORDINANCE

GENERAL PROVISIONS

3.06.600 General Purpose

The Stillaguamish Tribe of Indians (Tribe) has a significant interest in protecting the health, safety and general welfare of its members, the residents within the Tribe's Indian Country and those persons and businesses doing business on and/or visiting the Tribe's Indian Country. The purpose of the Ordinance is to exercise the Tribe's jurisdiction to regulate the sale, manufacturing, distribution, and taxation of liquor within the Tribe's Indian Country in conformity with any compact between the Tribe and the State of Washington, Article 10 of the Treaty of Point Elliott of 1855, 12 Stat. 927, to which the Tribe is a party, and in conformity with 18 U.S.C. 1161, and to raise revenues to fund health, safety and general welfare programs and services provided to Tribal members and residents of and visitors to land within the Tribe's territorial jurisdiction.

The authority to protect the Tribe as a sovereign political entity and to adopt the Ordinance codified herein is vested in the Stillaguamish Tribe of Indians, Board of Directors under Article III and Article V, Sec. 1 of the Constitution, which Board has enumerated authority under Article V, Sec. 1 (a) to enact a comprehensive law and order code which provides for tribal civil and criminal jurisdiction; under Article V Sec. 1(b) to administer the affairs and assets of the Tribe, including tribal lands and funds; under Article V, Section 1(d) to provide for taxes, assessments, permits and license fees upon members and non-members within the Tribe's jurisdiction; and under Article V Sec. l(h), to exercise other necessary powers to fulfill the Board's obligations, responsibilities and purposes as the governing body of the Tribe; and in the inherent sovereignty of the Stillaguamish Tribe of Indians to regulate its own territory and activities therein.

The need exists for strict tribal regulation and control over liquor distribution, manufacturing, sales and taxation within the Tribe's Indian Country. Therefore, in the public interest and for the welfare of the people of the Stillaguamish Tribe of Indians, its employees, the residents of and visitors to Indian Country, the Stillaguamish Board of Directors, in the exercise of its authority under the Tribe's Constitution, declares its purpose by the provisions of this Subchapter to regulate the sale, manufacturing and distribution of liquor.

3.06.601 Scope

(1) This Subchapter shall apply to the full extent of the sovereign jurisdiction of the Tribe.

(2) Compliance with this Subchapter is hereby made a condition of the use of any land or premises within the Tribe's Indian Country.

(3) Any person who resides, conducts business, engages in a business transaction, receives benefits from the Tribe, acts under tribal authority, or enters the Tribe's Indian Country shall be deemed to have consented to the following:

(a) To be bound by the terms of this Subchapter;

(b) To the exercise of the exclusive jurisdiction of the Stillaguamish tribal Court for legal actions arising pursuant to this Subchapter; and

(c) To detainment, service of summons and process, and search and seizure, in conjunction with legal actions arising pursuant to this Subchapter.

(4) No portion of this Ordinance and Subchapter shall be construed as contrary to Federal law.

3.06.602 Repeal of Prior Liquor Control Laws

(1) All ordinances and resolutions of the Tribe regulating, authorizing, prohibiting or in any way dealing with the sale of liquor heretofore enacted or now in effect are hereby repealed and are declared to be of no further force and effect, with the exception of the provisions of the Stillaguamish Tribe of Indians Law and Order Code, including but not limited to the provisions of Chapter 8.40, Alcohol-Related Offenses.

(2) The provisions of this Subchapter shall be prospective only from the date of its effectiveness. Nothing contained herein shall be deemed to revoke any presently existing valid license or permit or renewal thereof previously issued by the Washington State Liquor Control Board or the exercise of privilege given thereunder to any retailer subject to the provisions of this Subchapter.

3.06.603 Definitions

All definitions of the Taxation Code Section 3.06.201 apply herein unless the terms are otherwise defined in this Subchapter. For purposes of this Subchapter, whenever any of the following words, terms or definitions is used herein, they shall have the meaning ascribed to them in this Subchapter:

(1) ''Brewer'' or ''brewery'' means any person engaged in the business of manufacturing beer and malt liquor and as such terms are further defined in the Revised Code of Washington in RCW 66.04.010.

(2) ''Indian Country,'' consistent with the meaning given in 18 U.S.C. 1151 means: (a) all land within the limits of the Stillaguamish Indian Reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights of way running through the reservation; and (b) all Indian allotments or other lands held in trust for the Tribe or a member of the Tribe, including rights of way running through the same.

(3) ''Liquor'' means the four varieties of liquor (alcohol, spirits, wine, and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and as such term and the four varieties thereof are further defined in the Revised Code of Washington in RCW 66.04.010.

(4) ''Malt beverage'' or ''malt liquor'' means any beverage such as beer, ale, lager beer, stout, and porter obtained by

the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For purposes this Subchapter, any such beverage containing more than eight percent of alcohol by weight shall be referred to as ''strong beer.''

(5) ''Manufacturer'' means a person engaged in the preparation and manufacturing of liquor for sale, in any form whatsoever.

(6) ''Sale'' and ''sell'' means the same as such terms are defined in the Revised Code of Washington in RCW 66.04.010.

(7) ''Tribal retailer'' means a liquor retailer wholly owned by the Stillaguamish Tribe of Indians and located in Indian Country.

(8) ''Tribally-licensed retailer'' means a person who has a business license from the Tribe to sell liquor at retail from a business located in Indian Country.

3.06.604 Stillaguamish Tax Commission

The Board hereby authorizes the Tax Commission of the Stillaguamish Tribe of Indians to administer this Subchapter, including general control, management and supervision of all liquor sales, manufacturing, and distribution, places of sale and sales outlets, and to exercise all of the powers and accomplish all of the purposes thereof as hereinafter set forth any do the following acts and things for and on behalf of and in the name of the Tribe:

(1) Adopting and enforcing rules and regulations for the purpose of carrying into effect the provisions of this Subchapter the performance of its functions;

(2) Collecting, auditing and issuing fees, licenses, taxes and permits; and

(3) Performing all matters and things incidental to and necessary to conduct its business and carry out its duties and functions under this Subchapter.

LICENSE REQUIRED

3.06.610 License Required of Tribal Retailers and Tribally-licensed Retailers

Every person engaging in the business of selling, manufacturing, or distributing liquor within the Tribe's Indian Country, including but not limited to a brewery, shall secure a business license from the Tribe in the manner provided for by Subchapter 100 of this Title (''Business Licenses'') and otherwise comply with all provisions of Subchapter 100.

3.06.611 Prohibitions

(1) The manufacture, purchase, sale, and dealing in liquor within Tribe's Indian Country by any person, party, firm, or corporation except pursuant to the control, licensing, and regulation of the Stillaguamish Tax Commission, is hereby declared unlawful. Without limitation as to any other penalties and fines that may apply, any violation of this subsection is an infraction punishable by a fine of up to five hundred dollars ($500.00).

(2) Every person engaging in the business of manufacturing, distributing or selling liquor within the Tribe's Indian Country shall comply with the provisions of Chapter 8.40, Alcohol-Related Offenses, of the Stillaguamish Tribe of Indians Law and Order Code, the provisions of which are re-affirmed and are specifically incorporated herein by this reference. Any violation of this subsection is punishable pursuant to the penalty provisions of Chapter 8.40, Alcohol-Related Offenses of the Stillaguamish Tribe of Indians Law and Order Code.

3.06.612 Conformity with State Law as Required

Tribal retailers and tribally-licensed retailers shall comply with any applicable Washington State liquor law standards to the extent required by 18 U.S.C. 1161 and the Agreement Between the Washington State Liquor Control Board and the Stillaguamish Indian Tribe for Purchase and Resale of Liquor in Indian Country (''Agreement''), if any. To the extent provisions of this Subchapter conflict with the Agreement, the terms of the Agreement control.

TAXATION

3.06.620 Tribal Liquor Tax

The Tribe expressly reserves its inherent sovereign right to regulate the use and sale of liquor through the imposition of tribal taxes thereon. The Board hereby authorizes and expressly reserves its authority to impose a tribal Liquor Tax on sales of all alcoholic beverages, including packaged and retail sales of liquor, wine, and beer, at a rate determined to be fair and equitable by the Board through independent action.

3.06.621 Liquor Sales Not Subject to Tribal Retail Sales Tax

The Tribe's Retail Sales Tax shall not apply to retail sales of liquor.

ADMINISTRATION

3.06.630 Severability

If any section, provision, phrase, addition, word, sentence or amendment of this Subchapter or its application to any person is held invalid, such invalidity shall not affect the other provisions or applications of this Subchapter that can be given effect without the invalid application, and to that end the provisions of this Subchapter are declared severable.

3.06.631 Nondiscrimination

No provision of this Subchapter shall be construed as imposing a regulation or tax that discriminates on the basis of whether a retail liquor establishment is owned, managed or operated by a member of the Tribe.

3.06.632 Effective Date

This Subchapter shall be and become effective upon publication by the United States Department of the Interior's certification in the **Federal Register**.

3.06.633 Sovereign Immunity

Nothing in this Subchapter shall be construed as a waiver or limitation of the inherent sovereign immunity of the Tribe.

Ordinance 2008/060 enacting this Title 3, Chapter 6 took effect on April 30, 2008, at 6:00 p.m. upon the approval of its provisions by the Board of Directors of the Stillaguamish Tribe of Indians, which date was April 28, 2008. Title 3, Chapter 6 of the Tribe's Law and Order Code was repealed and replaced with this Title, as amended by resolution 2011/048, enacted by the Board of Directors of the Stillaguamish Tribe of Indians on April 14, 2011, as amended by resolution 2012/146 dated September 27, 2012, as amended by resolution 2015/099 dated May 28, 2015.

[FR Doc. 2016–00334 Filed 1–8–16; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[167 A2100DD/AAKC001030/ A0A501010.999900]

Sovereignty in Indian Education

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability and request for proposals; extension of deadline.

SUMMARY: The Bureau of Indian Education (BIE) previously announced the availability of enhancement funds to Tribes and their Tribal education departments (TEDs) to promote Tribal control and operation of BIE-funded schools on their reservations. This notice extends the deadline for Tribes

with at least one BIE-funded school on their reservation to submit grant proposals.

DATES: Grant proposals must be received by January 13, 2016, at 4 p.m. Eastern Time. The BIE will hold pre-grant proposal training sessions. See **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: Complete details on requirements for proposals and the evaluation and selection process can be found on the BIE Web site at *http://www.bie.edu.* Submit grant applications to the Bureau of Indian Education, Attn: Ms. Wendy Greyeyes, 1849 C Street NW., MS–4655–MIB, Washington, DC 20240. Email submissions will be accepted at this address: *wendy.greyeyes@bie.edu.* Limit email submissions to attachments compatible with Microsoft Office Word 2007 or later and files with a .pdf file extension. Email submissions may not exceed 3MB total in size. Fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Ms. Wendy Greyeyes, Bureau of Indian Education, Office of the Director, Washington, DC 20240, (202) 208–5810.

SUPPLEMENTARY INFORMATION: See the notice published on December 7, 2015, (80 FR 76031) for background information.

Grant proposals are due January 13, 2016, at 4:00 p.m. Eastern Time. The proposal should be packaged for delivery to permit timely arrival. The proposal package should be sent or hand delivered to the address in the **ADDRESSES** section of this notice.

Faxed applications will not be accepted. Email submissions will be accepted at the address in the **ADDRESSES** section of this notice. Email submissions are limited to attachments compatible with Microsoft Office Word 2007 or later or files with a .pdf file extension. Email submissions may not exceed 3MB total in size.

Proposals submitted by Federal Express or Express Mail should be sent two or more days prior to the closing date. The proposal package should be sent to the address shown in the **ADDRESSES** section of this notice. The Tribe is solely responsible for ensuring its proposal arrives in a timely manner.

Dated: December 18, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2016–00245 Filed 1–8–16; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV952000 L14400000.BJ0000.LXSSF2210000.241A; 13–08807; MO# 4500089233; TAS: 16X1109]

Filing of Plats of Survey; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

DATES: *Effective Dates:* Unless otherwise stated filing is effective at 10:00 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT: Michael O. Harmening, Chief, Branch of Geographic Sciences, Bureau of Land Management, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502–7147, phone: 775–861–6490. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: 1. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on August 26, 2015:

The plat, in 1 sheet, representing the dependent resurvey of a portion of the subdivisional lines and a portion of the subdivision-of-section lines of section 32, and the further subdivision of section 32, Township 22 South, Range 60 East, Mount Diablo Meridian, under Group No. 930, was accepted August 25, 2015. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

2. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on October 8, 2015:

The plat, in 6 sheets, representing the dependent resurvey of the Mount Diablo Base Line, through a portion of Range 37 East and through Range 38 East, the south boundary, portions of the east and west boundaries, a portion of the subdivisional lines and Mineral Survey Nos. 1739 and 2688 and the independent resurvey of portions of the east and west boundaries and a portion of the subdivisional lines, Township 1 South, Range 38 East, Mount Diablo Meridian, under Group No. 911, was accepted September 29, 2015. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

3. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on October 8, 2015:

The plat, in 1 sheet, representing the dependent resurvey of the Mount Diablo Base Line, through a portion of Range 38 1/2 East, and a portion of the subdivisional lines and the independent resurvey of a portion of the subdivisional lines, Township 1 South, Range 39 East, Mount Diablo Meridian, under Group No. 911, was accepted September 29, 2015. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

4. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on October 9, 2015:

The plat, in 7 sheets, representing the dependent resurvey of the Mount Diablo Base Line, through Range 38 1/2 East and a portion of Range 39 East, the south boundary, a portion of the east boundary, a portion of the subdivisional lines and portions of certain mineral surveys and the independent resurvey of a portion of the subdivisional lines, Township 1 South, Range 39 East, Mount Diablo Meridian, under Group No. 926, was accepted September 30, 2015. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

5. The Supplemental Plat of the following described lands was officially filed at the BLM Nevada State Office, Reno, Nevada on December 2, 2015:

The supplemental plat, in 1 sheet, showing the amended lottings in section 17, Township 19 South, Range 60 East, of the Mount Diablo Meridian, Nevada, under Group No. 960, was accepted November 30, 2015. This supplemental plat was prepared to accommodate the transfer of public lands to the State of Nevada, under provisions of Public Law 113–291.

The surveys and supplemental plat listed above are now the basic record for describing the lands for all authorized purposes. These records have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: January 4, 2016.

Michael O. Harmening,

Chief Cadastral Surveyor, Nevada.

[FR Doc. 2016–00318 Filed 1–8–16; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD08000 L12200000.EA0000 241A;]

Notice of Temporary Closures of Public Lands for the King of the Hammers Race in San Bernardino County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: As authorized under the provisions of the Federal Land Policy and Management Act of 1976, the Bureau of Land Management (BLM) is giving notice that certain public lands near Twentynine Palms, California, will be temporarily closed to all public use to provide for public safety during the 2016 King of the Hammers Race Event.

DATES: Closure periods to all public use are January 31, 2016, through February 6, 2016.

FOR FURTHER INFORMATION CONTACT: Brian Bellew, (916) 978–4653, email: *bbellew@blm.gov.*

SUPPLEMENTARY INFORMATION: This closure applies to all public use, including pedestrian use and vehicles. The public lands affected by this closure are described as follows:

Land Description

San Bernardino Meridian

T. 5 N., R. 2 E.,
Secs. 1, 2, 11, 12, and 13.
T. 6 N., R. 2 E.,
Secs. 1, 12, 13, 14, 23 through 27, 34, and 35.
T. 4 N., R. 3 E.,
Sec. 1, lot 1 in NE¼, lot 2 in NE¼, lot 1 in NW¼, lot 2 in NW¼, NW¼SW¼, and SE¼;
Sec. 2;
Sec. 12, N½ and SE¼.
T. 5 N., R. 3 E.,
Secs. 5 and 6;
Sec. 7, unsurveyed;
Sec. 8, E½ and W½, unsurveyed;
Secs. 13 and 14;
Sec. 17, NE¼, W½, unsurveyed, and SE¼, unsurveyed;
Secs. 18, 19, and 20;
Sec. 21, E½ and W½, unsurveyed;
Secs. 22 through 28;
Sec. 29, NE¼, W½, unsurveyed, and SE¼, unsurveyed;
Sec. 34, E½, unsurveyed and W½;
Sec. 35, NE¼, W½, unsurveyed, and SE¼, unsurveyed;
Sec. 36, SW¼, unsurveyed.
T. 6 N., R. 3 E.,
Secs. 5 through 8, 17 through 20, 29, and 30.
T. 7 N., R. 3 E.,
Secs. 30 and 31;
Sec. 32, except that portion within MS 6715;
Sec. 33.
T. 4 N., R. 4 E.,
Secs. 1 through 11, 15, and 17;
Sec. 18, lot 1 in NW¼, lot 2 in NW¼, and NE¼;
Sec. 20, lots 1 through 8;
Secs. 21 through 24, 26, 27, and 28.
T. 5 N., R. 4 E.,
Secs. 18, 19, and 29 through 32.
T. 4 N., R. 5 E.,
Secs. 2 through 6, 8 and 9;
Sec. 10, unsurveyed;
Secs. 11 and 12;
Secs. 13, 14, and 15, all unsurveyed;
Sec. 16;
Secs. 17, 20 through 24, 26 through 29, and 32 through 35, all unsurveyed.
T. 5 N., R. 5 E.,
Secs. 32 and 34.

The area described aggregates 71,065 acres, more or less, in San Bernardino County, California.

The closure notice and a map of the closure area will be posted at the Barstow Field Office and on the BLM Web site: *http://www.blm.gov/ca/st/en/fo/barstow_field.html.* Roads leading into the public lands under closure will be posted to notify the public of the closure.

Exceptions: Closure restrictions do not apply to event officials, event participants, registered spectators, medical and rescue personnel, law enforcement, and agency personnel monitoring the events.

Enforcement: Any person who violates this closure may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571 and imprisoned for no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of California law.

Authority: 43 CFR 8360.0–7 and 8364.1

Thomas Pogacnik,

Deputy State Director for Resources.

[FR Doc. 2016–00303 Filed 1–8–16; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF INTERIOR

National Park Service

[NPS–WASO–BSD–CONC–20037; PPWOBSADC0, PPMVSCS1Y.Y00000 (166)]

Proposed Information Collection; Commercial Use Authorizations

AGENCY: National Park Service, Interior.

ACTION: Notice and request for comments.

SUMMARY: We (National Park Service, NPS) will ask the Office of Management and Budget (OMB) to approve the information collection described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on August 31, 2016. We 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.

DATES: To ensure we are able to consider your comments, we must receive them on or before March 11, 2016.

ADDRESSES: Please send your comments on the ICR to Madonna L. Baucum, Information Collection Clearance Officer, National Park Service, 12201 Sunrise Valley Drive, Room 2C114, Mail Stop 242, Reston, VA 20192 (mail); or *madonna_baucum@nps.gov* (email). Please reference OMB Control Number ''1024–0268, CUA'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Samantha Towery, National Park Service, 12795 West Alameda Parkway, Lakewood, CO 80228; by fax at 303/987–6901; or via email at *Samantha_Towery@nps.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of this information collection is to assist the NPS in managing the Commercial Use Authorization Program. Conducting commercial operations in a unit of the National Park System without a contract, permit, commercial use authorization, or some other written agreement is prohibited. Section 418, Public Law 105–391 (54 U.S.C. 101925) gives the Secretary of the Interior the authority to authorize a private person, corporation, or other entity to provide services to visitors in units of the National Park System through a Commercial Use Authorization (CUA). Such authorizations are not considered concession contracts. We authorize commercial operations that originate and operate entirely within a park (in-park); commercial operations that provide services originating and terminating outside of the park boundaries; organized children's camps, outdoor clubs, and nonprofit institutions; and other uses as the

Secretary determines appropriate. The commercial operations include a range of services, such as mountain climbing guides, boat repair services, transportation services and tours, canoe livery operations, hunting guides, retail sales, equipment rentals, catering services, and dozens of other visitor services.

Section 418 limits CUAs to:

- Commercial operations with annual gross receipts of not more than $25,000 resulting from services originating and provided solely within a unit of the National Park System;
- Incidental use of resources of the unit by commercial operations which provide services originating and terminating outside of the boundaries of the unit; or
- Uses by organized children's camps, outdoor clubs and nonprofit institutions (including back country use) and such other uses as the Secretary determines appropriate.

The legislative mandate of the NPS, found at 54 U.S.C. 1100101, is to preserve America's natural wonders unimpaired for future generations, while also making them available for the enjoyment of visitors. Meeting this mandate requires the NPS to balance preservation with use. Maintaining a good balance requires both information and limits. The information requested will allow the unit manager to evaluate requests for a commercial use to determine impact on the resources and the appropriateness of the activity.

We collect information on the CUA Application (Form 10–550), the CUA Annual Report (Form 10–660), and CUA Monthly Report (Form 10–660A). We use the information from these forms to:

- Manage the program and operations.
- Determine the qualifications and abilities of the commercial operators to provide a high quality, safe, and enjoyable experience for park visitors.
- Determine the impact on the parks natural and cultural resources.
- Manage the use and impact of multiple operators.

The information requested will allow the NPS to evaluate requests for a commercial use authorization and determine the suitability of the applicants to safely and effectively provide an appropriate service to the visiting public. It will also enable the NPS to manage the activity in a manner that protects the natural and cultural resources and the park visitor. Management includes, but is not limited to, managing the number of permits issued, determining the location and time that the activity occurs, and requiring the appropriate visitor protections including insurance, equipment, training, and procedures.

Regulations resulting in information collection required for a Commercial Use Authorization:

36 CFR 1.6—Permits
36 CFR 2—Resource Protection, Public Use and Recreation
36 CFR 5—Commercial and Private Operations
36 CFR 7—Special Regulations
36 CFR 13—National Park System Units in Alaska

II. Data

OMB Number: 1024–0268.

Title: Commercial Use Authorization.

Form(s): 10–550, ''Commercial Use Authorization Application and Instructions'', 10–660, ''Commercial Use Authorization Annual Report and Instructions'', and 10–660A, ''Commercial Use Authorization Monthly Report and Instructions''.

Type of Request: Extension of a Currently Approved Collection.

Description of Respondents: Respondents will be individuals or small businesses that wish to provide a commercial service to visitors in areas of the National Park System.

Respondent Obligation: Mandatory.

Estimated Total Annual Burden Hours:

	Annual respondents	Total annual responses	Average time per response (hours)	Total annual burden hours
Form 10–550, ''Commercial Use Authorization Application and Instructions''				
Individual	100	100	2.5	250
Private Sector	5,150	5,150	2.5	12,875
Form 10–660, ''Commercial Use Authorization Annual Report and Instructions''				
Individual	100	100	8	125
Private Sector	7,000	7,000	8	8,750
Form 10–660A, ''Commercial Use Authorization Monthly Report and Instructions''				
Individual	100	900	.75	675
Private Sector	7,000	63,000	.75	47,250
Totals:	12,350	12,350		69,925

Estimated Annual Nonhour Burden Cost: $525,000 ($100 × 5,250 Forms 10–550, ''Commercial Use Authorization Application and Instructions'' per year).

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden to respondents, including use of automated information techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. 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 it will be done.

Dated: January 4, 2016.

Madonna L. Baucum,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2016–00333 Filed 1–8–16; 8:45 am]

BILLING CODE 4310–EH–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–698 (Remand)]

Certain DC–DC Controllers and Products Containing Same; Commission Determination To Adopt a Recommended Remand Determination; Issuance of Modified Civil Penalty Order and Termination of Remand Enforcement Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to adopt a remand recommended determination (''RRD'') of the presiding administrative law judge (''ALJ'') adding eleven (11) days to the total number of days enforcement respondent uPI Semiconductor Corporation (''uPI'') of Hsinchu, Taiwan, violated the August 13, 2010 consent order (''the Consent Order''). The Commission has adopted the RRD as a final determination of the Commission, issued a modified civil penalty order in the amount of $650,000 directed against uPI, and has terminated the remand enforcement proceeding.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission ordered this remand enforcement proceeding on April 8, 2015, in view of the Federal Circuit's decision in *uPI Semiconductor Corp.* v. *ITC* and *Richtek Technology Corp.* v. *ITC,* 767 F.3d 1372 (Fed. Cir. 2014). *See* Comm'n Order (Apr. 8, 2015). The Commission instituted the original enforcement proceeding on September 6, 2011, based on an enforcement complaint filed by Richtek Technology Corp. of Hsinchu, Taiwan, and Richtek USA, Inc. of San Jose, California (collectively ''Richtek''). 76 *FR* 55109–10. The complaint alleged violations of the August 13, 2010, consent orders issued in the underlying investigation by the continued practice of prohibited activities such as importing, offering for sale, and selling for importation into the United States DC–DC controllers or products containing the same that infringe one or more of U.S. Patent Nos. 7,315,190 (''the '190 patent''); 6,414,470 (''the 's '470 patent''); and 7,132,717 (''the '717 patent''); or that contain or use Richtek's asserted trade secrets. The Commission's notice of institution of enforcement proceedings named uPI and Sapphire Technology Limited (''Sapphire'') of Shatin, Hong Kong as respondents. The Office of Unfair Import Investigations participated in the enforcement proceeding. Sapphire was later terminated from the enforcement proceeding based on a settlement agreement.

On June 8, 2012, the presiding administrative law judge (''ALJ'') issued his enforcement initial determination (''EID'') finding a violation of the Consent Order by uPI. The ALJ found importation and sale of accused products that infringe all asserted claims of the patents at issue, and importation and sale of formerly accused products that contain or use Richtek's asserted trade secrets. He found that uPI's products developed after the consent order issued (''post-Consent Order products'') did not misappropriate Richtek's asserted trade secrets. Also, he recommended enforcement measures for uPI's violation that included the following: (1) Modifying the Consent Order to clarify that the Order applies (and has always applied) to all uPI affiliates, past, present, or future; and (2) imposing a civil penalty of $750,000 against uPI.

The Commission did not review the EID with respect to the trade secret allegations, but did review the EID as to certain patent infringement allegations and the number of violation days. On November 14, 2012, after review, the Commission determined to affirm-in-part, reverse-in-part, modify-in-part, and vacate-in-part the EID's findings under review. The Commission affirmed the ALJ's finding that uPI violated the consent order, and imposed a civil penalty of $620,000 on respondent uPI for violation of the Consent Order on 62 days. The Commission also affirmed the ALJ's finding of direct infringement of claims 1–11 and 26–27 of the '190 patent with respect to uPI's formerly accused products. The Commission also vacated the ALJ's finding that uPI does not induce infringement of claims 1–11 and 26–27 of the 190 patent. The Commission also determined to reverse the ALJ's finding that claims 29 and 34 of the 470 patent are directly infringed by respondent uPI's accused DC–DC controllers and products containing the same, and determined that Richtek waived any allegations of indirect infringement with respect to the '470 patent. This action resulted in a finding of no violation of the Consent Order with respect to the '470 patent. Further, the Commission vacated as moot the portion of the EID relating to the '717 patent because the asserted claims 1–3 and 6–9 were cancelled by issuance of Ex Parte Reexamination Certificate No. U.S. 7,132,717 C1 on October 3, 2012. The Commission also affirmed the ALJ's finding that uPI's formerly accused products contained or used Richtek's asserted trade secrets to violate the Consent Order, but that uPI's post-Consent Order products did not misappropriate Richtek's asserted trade secrets.

Both uPI and Richtek timely appealed the Commission's final determination. The Federal Circuit issued its opinion in the two appeals on September 25, 2014. *See* 767 F.3d 1372. The Court affirmed the Commission's findings regarding uPI's appeal with a slight modification, but regarding Richtek's appeal, the Court reversed the Commission's determination that uPI did not violate the Consent Order based on trade secret misappropriation with respect to uPI's post-Consent Order products. *Id.* Specifically, the Court found that, on the record provided, substantial evidence did not support the Commission's conclusion that uPI's post-Consent Order products were independently developed. *Id.* at 1383. Also specifically, regarding uPI's appeal and before deciding Richtek's appeal, the Court reduced the number of days of violation by eight (8) days to fifty-four (54) days. *Id.* at 1380. The Court remanded the case to the Commission for further proceedings with respect to violation of the Consent Order. *Id.* at 1383. On December 1, 2014, the Court denied uPI's petition for rehearing of the Court's finding of no independent development of uPI's post-Consent

Order products. The mandate of the Court issued on November 17, 2014, with respect to uPI's appeal (Appeal No. 13–1157) and on December 8, 2014, with respect to Richtek's appeal (Appeal No. 13–1159).

In its order of April 8, 2015, the Commission remanded the case to a presiding administrative law judge and ordered the presiding ALJ to:

> make findings and issue a remand recommended determination (''RRD'') concerning the total number of days an importation or sale in the United States occurred in violation of the Consent Order in accordance with the Federal Circuit decision in *uPI Semiconductor Corp.* v. *ITC* and *Richtek Technology Corp.* v. *ITC,* 767 F.3d 1372 (Fed. Cir. 2014), taking into account (1) any additional violation days with respect to the post-Consent Order products Richtek specifically accused (*see* EID at 9 n.6); and (2) the subtraction of eight (8) violation days with respect to the formerly accused products. The RRD will also recommend a total civil penalty amount based on the previous daily penalty of $10,000 per day of violation.

Comm'n Order. On April 20, 2015, Richtek filed a motion for reconsideration of the Commission's Remand Order with respect to the amount of the daily penalty and on May 7, 2015, the motion was denied. *See* Comm'n Order Denying Motion. On October 8, 2015, the presiding ALJ issued his RRD finding that after the eight-day subtraction, eleven (11) days, associated with post-Consent Order products, should be added to the number of days (54) uPI violated the Consent Order to make the total sixty-five (65) days in violation, and accordingly increased the total civil penalty amount to $650,000 based on the daily penalty of $10,000. On October 19, 2015, Richtek submitted comments regarding the RRD which reiterated the same arguments made in its denied motion for reconsideration. *Id.* On October 26, 2015, uPI and the Commission investigative attorney each filed a reply to Richtek's comments.

The Commission has determined to adopt the RRD as a final determination of the Commission and has issued a modified civil penalty order in the amount of $650,000 directed against uPI. The Commission has rejected the arguments regarding the amount of the daily penalty made by Richtek in its submitted comments for the same reasons given in the Commission's Order denying Richtek's motion for reconsideration. The Commission has terminated the remand enforcement proceeding.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: January 6, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–00288 Filed 1–8–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–979]

Certain Radio Frequency Identification (''RFID'') Products and Components Thereof Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 4, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Neology, Inc. of Poway, California. A supplement to the complaint was filed on December 22, 2015. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain radio frequency identification (''RFID'') products and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,325,044 (''the '044 patent''); U.S. Patent No. 8,587,436 (''the '436 patent''); and U.S. Patent No. 7,119,664 (''the '664 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2015).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 5, 2016, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain radio frequency identification (''RFID'') products and components thereof by reason of infringement of one or more of claims 13, 14, and 25 of the '044 patent; claims 1–4, 6–12, and 14–18 of the '436 patent; and claims 1, 2, 9–12, 14–18, and 26–28 of the '664 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Neology, Inc., 12760 Danielson Court, Suite A, Poway, CA 92064.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Kapsch TrafficCom IVHS, Inc., 8201 Greensboro Drive, Suite 1002, McLean, VA 22102.

Kapsch TrafficCom IVHS Holding Corp., 8201 Greensboro Drive, Suite 1002, McLean, VA 22102.

Kapsch TrafficCom IVHS Technologies Holding Corp., 8201 Greensboro Drive, Suite 1002, McLean, VA 22102.

Kapsch TrafficCom U.S. Corp., 8201 Greensboro Drive, Suite 1002, McLean, VA 22102.

Kapsch TrafficCom Holding Corp., 8201 Greensboro Drive, Suite 1002, McLean, VA 22102.

Kapsch TrafficCom Canada, Inc., 6020 Ambler Drive, Mississauga, ON L4W 2P1, Canada.

Star Systems International, Ltd., Unit A01, 24/F Gold King Industrial Building, 35–41 Tai Lin Pai Road, Kwai Chung, Hong Kong.

STAR RFID Co., Ltd., 1 Charoenrat Road, Thung Wat Don, Sathon, Bangkok 10120 Thailand.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436;

(3) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 6, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–00289 Filed 1–8–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—R Consortium, Inc.

Notice is hereby given that, on December 3, 2015, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), R Consortium, Inc. (''R Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 0965688 BC LTD., Surrey, British Columbia, CANADA, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and R Consortium intends to file additional written notifications disclosing all changes in membership.

On September 15, 2015, R Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 2, 2015 (80 FR 59815).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–00323 Filed 1–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on December 8, 2015, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Open Group, L.L.C. (''TOG'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, AEGIS.net, Inc., Rockville, MD; Air Force Research Laboratory, Kirtland AFB, NM; Aoyama Gakuin University, Tokyo, JAPAN; Bank of Zambia, Lusaka, ZAMBIA; Dunstan Thomas Consulting, Ltd., Portsmouth, UNITED KINGDOM; Front Metrics Technologies Pvt. Ltd., Pune, INDIA; Geco, Inc., Mesa, AZ; Inspur Co., Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; IAB BVBA, Boutersem, BELGIUM; Intelligent Training de Columbia, Bogota, COLOMBIA; Joint Tactical Network Center, San Diego, CA; M J Anniss, Ltd., Nairn, UNITED KINGDOM; PLANAD Consultoria em Gestão Empreserial Ltda., São Paulo, BRAZIL; SIGMAXYZ Inc., Tokyo, JAPAN; S.P. Jain Institute of Management Research, Mumbai, INDIA; Universidad Continental, Huancayo, PERU; University of Dayton Research Institute, Dayton, OH; Vencore, Inc., Lexington Park, MD; Vigillence, Inc., McLean, VA; and White Cloud Software Ltd., Bowen Island, CANADA, have been added as parties to this venture.

Also, Architecture Capability Assurance Strategic Group, Palo Alto, CA; ATSI S.A., Zabierzow, POLAND; AXE, Inc., Nakagyo-ku, JAPAN; Bell Helicopter Textron Inc., Fort Worth, TX; CS Interactive Training, Pretoria, SOUTH AFRICA; EXELIS, Inc., Clifton, NJ; Fairchild Controls Corporation, Frederick, MD; Hoople Limited, Hereford, UNITED KINGDOM; Howell Instruments, Inc., Fort Worth, TX; Indra Colombia, Bogota, COLOMBIA; Kamehameha Schools-Trustees of the Estate of Bernice Pauahi Bishop, Honolulu, HI; Korea Software Technology Association, Gyeonggi-Do, REPUBLIC OF KOREA; Mobile Reasoning, Inc., Lenaxa, KS; Nippon Telegraph & Telephone Corporation, Tokyo, JAPAN; Online Business Systems, Winnepeg, CANADA; PreterLex Limited, Cambridge, UNITED KINGDOM; University of Nordland, Oslo, NORWAY; VIP Apps Consulting Limited, Hertfordshire, UNITED KINGDOM; and World Vision International, Monrovia, CA, have withdrawn as parties to this venture.

In addition, Hewlett Packard Company has changed its name to Hewlett Packard Enterprises, Cupertino, CA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TOG intends to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 13, 1997 (62 FR 32371).

The last notification was filed with the Department on September 9, 2015. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 2, 2015 (80 FR 59816).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2016–00325 Filed 1–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Sharp Clinical Services, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before February 10, 2016. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before February 10, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Request for hearings should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on July 29, 2015, Sharp Clinical Services, Inc., 300 Kimberton Road, Phoenixville, Pennsylvania 19460 applied to be registered as an importer of marihuana (7360), a basic class of controlled substance listed in schedule I.

The company plans to import finished pharmaceutical products containing cannabis extracts in dosage form for clinical trial studies.

This compound is listed under drug code 7360. No other activity for this drug code is authorized for this registration. Approval of permits applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: January 4, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00214 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Myoderm

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before February 10, 2016. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before February 10, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Request for hearings should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on October 9, 2015, Myoderm, 48 East Main Street, Norristown, Pennsylvania 19401 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Amphetamine (1100)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
Pentobarbital (2270)	II
Nabilone (7379)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Morphine (9300)	II
Oxymorphone (9652)	II
Fentanyl (9801)	II

The company plans to import the listed controlled substances in finished dosage form for clinical trials, research, and analytical purposes.

The import of the above listed basic classes of controlled substances will be granted only for analytical testing, research, and clinical trials. This authorization does not extend to the import of a finished FDA approved or non-approved dosage form for commercial sale.

Dated: January 4, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00213 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Hospira

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before February 10, 2016. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before February 10, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Request for hearings should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on October 1, 2015, Hospira, 1776 North Centennial Drive, McPherson, Kansas 67460–1247 applied to be registered as an importer of remifentanil (9739), a basic class of controlled substance listed in schedule II.

The company plans to import remifentanil for use in dosage form manufacturing. Placement of this drug code onto the company's registration does not translate into automatic approval of subsequent permit applications to import controlled substances. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under to 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: January 4, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00212 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Alltech Associates, Inc.

ACTION: Notice of registration.

SUMMARY: Alltech Associates, Inc. applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Alltech Associates, Inc. registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated August 10, 2015, and published in the **Federal Register** on August 18, 2015, 80 FR 50041, Alltech Associates, Inc., 2051 Waukegan Road, Deerfield, Illinois 60015 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Alltech Associates, Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
4-Methylaminorex (cis isomer) (1590)	I
Gamma Hydroxybutyric Acid (2010)	I
Alpha-ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C–T–7) (7348)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
5-Methoxy-N–N-dimethyltryptamine (7431)	I
Alpha-methyltryptamine (7432)	I

Controlled substance	Schedule
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltryptamine (7439)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
1-(1-Phenylcyclohexyl)pyrrolidine (7458)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C–E) (7509)	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C–H) (7517)	I
2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C–I) (7518)	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C–T–4) (7532)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Normorphine (9313)	I
Methamphetamine (1105)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Ecgonine (9180)	II
Meperidine intermediate-B (9233)	II
Morphine (9300)	II
Noroxymorphone (9668)	II

The company plans to manufacture high purity drug standards used for analytical applications only in clinical, toxicological, and forensic laboratories and for distribution to its customers.

Dated: January 4, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00216 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Noramco, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before February 10, 2016. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before February 10, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Request for hearings should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and request for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on August 4, 2015, Noramco, Inc., 500 Swedes Landing Road, Wilmington, Delaware 19801–4417, applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Phenylacetone (8501)	II
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II
Tapentadol (9780)	II

The company plans to import opium raw (9600) and poppy straw concentrate (9670) to bulk manufacture other controlled substances for distribution to its customers. The company plans to import an intermediate form of tapentadol (9780) to bulk manufacture tapentadol (9780) for distribution to its customers. The company plans to import phenylacetone (8501) in bulk for the manufacture of a controlled substance.

Dated: January 4, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00209 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: IRIX Manufacturing, Inc.

ACTION: Notice of registration.

SUMMARY: IRIX Manufacturing, Inc. applied to be registered as a

manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants IRIX Manufacturing, Inc. registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated August 10, 2015, and published in the **Federal Register** on August 18, 2015, 80 FR 50035, IRIX Manufacturing, Inc., 309 Delaware Street, Building 1106, Greenville, South Carolina 29605 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of IRIX Manufacturing, Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I

The company plans to manufacture the above-listed controlled substances synthetically as Active Pharmaceutical Ingredients (API) for clinical trials.

Dated: January 4, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00215 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration: Chattem Chemicals Inc.

ACTION: Notice of registration.

SUMMARY: Chattem Chemicals Inc. applied to be registered as an importer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Chattem Chemicals Inc. registration as an importer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated September 1, 2015, and published in the **Federal Register** on September 9, 2015, 80 FR 54326, Chattem Chemicals Inc., 3801 St. Elmo Avenue, Chattanooga, Tennessee 37409 applied to be registered as an importer of certain basic classes of controlled substances. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007). No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Chattem Chemicals Inc. to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above-named company is granted registration as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Methamphetamine (1105)	II
4-Anilino-N-phenethyl-4-piperidine (ANPP) (8333).	II
Phenylacetone (8501)	II
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II
Tapentadol (9780)	II

The company plans to import the listed controlled substances to bulk manufacture other controlled substances for distribution to its customers. The company plans to import an intermediate form of tapentadol (9780), to bulk manufacture tapentadol (9780) for distribution to its customers. The company plans to import phenylacetone (8501) in bulk for the manufacture of a controlled substance.

Dated: January 4, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00218 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: AMPAC Fine Chemicals LLC

ACTION: Notice of registration.

SUMMARY: AMPAC Fine Chemicals LLC applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants AMPAC Fine Chemicals LLC registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated June 25, 2015, and published in the **Federal Register** on July 6, 2015, 80 FR 38467, AMPAC Fine Chemicals LLC, Highway 50 and Hazel Avenue, Building 05001, Rancho Cordova, California 95670 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of AMPAC Fine Chemicals LLC to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Methylphenidate (1724)	II
Thebaine (9333)	II
Poppy Straw Concentrate (9670)	II
Tapentadol (9780)	II

The company is a contract manufacturer. In reference to Poppy Straw Concentrate the company will manufacture thebaine intermediates for sale to its customers for further manufacture. No other activity for this drug code is authorized for this registration.

Dated: January 4, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00217 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0038]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Federal Firearms License (Collector of Curios and Relics)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** 80 FR 67792, on November 3, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until February 10, 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 Tracey Robertson, Chief, Federal Firearms Licensing Center, 244 Needy Road, Martinsburg, WV 25405, at: *Tracey.Robertson@atf.gov*.

SUPPLEMENTARY INFORMATION: The collection is conducted in a manner consistent with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Application for Federal Firearms License (Collector of Curios and Relics.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF F 7CR (5310.16).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: None.

Abstract: The form is used by the public when applying for a Federal firearms license to collect curios and relics to facilitate a personal collection in interstate and foreign commerce. The information requested on the form establishes eligibility for the license.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 5,200 respondents will take 15 minutes to complete the questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 1300 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: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00227 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0009]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application To Register as an Importer of U.S. Munitions Import List Articles

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 11, 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 Desiree M. Dickinson, Industry Liaison, ATF Firearms and Explosives Imports Branch, 244 Needy Road, Martinsburg, WV 25405 at email: *desiree.dickinson@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection* (check justification or form 83): Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Application to Register as an Importer of U.S. Munitions Import List Articles

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 4587 (5330.4)

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other non-profit.

Other (if applicable): None.

Abstract: The purpose of this information collection is to allow ATF to determine if the registrant qualifies to engage in the business of importing a firearm or firearms, ammunition, and the implements of war, and to facilitate the collection of registration fees.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 300 respondents will take 30 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 150 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: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00222 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0166]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement With Change of a Previously Approved Collection: Public Safety Officer's Disability Benefits

AGENCY: Office of Justice Programs, DOT.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance 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 March 11, 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: Chris Casto by mail at Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street NW., Washington, DC 20531; or by email at *Chris.Casto@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:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

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

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement with change of a previously approved collection

2. *The Title of the Form/Collection:* Public Safety Officer's Disability Benefits

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Bureau of Justice Assistance. Office of Justice Programs, United States Department of Justice

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Public safety officers who were permanently and totally disabled in the line of duty.

Abstract: BJA's Public Safety Officers' Benefits (PSOB) Office will use the PSOB Disability Application information to confirm the eligibility of applicants to receive Public Safety Officers' Disability Benefits. Eligibility is dependent on several factors, including public safety officer status, injury sustained in the line of duty, and the total and permanent nature of the line of duty injury. In addition, information to help the PSOB Office identify individuals is collected, such as Social Security numbers, telephone numbers, and email addresses. Changes to the application form have been made in an effort to streamline the application process and eliminate requests for information that are either irrelevant or already being collected by other means.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

It is estimated that not more than 100 respondents will apply a year. Each application takes approximately 300 minutes.

6. *An estimate of the total public burden (in hours) associated with the collection:* The Total Annual Reporting Burden: 100 × 300 minutes per application = 30,000 minutes/by 60 minutes per hour = 500 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., 3E.405B, Washington, DC 20530.

Dated: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00238 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0075]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Transactions Among Licensees/Permittees, Limited

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 11, 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 Anita Scheddel, Program Analyst, Explosives Industry Programs Branch, 99 New York Ave. NE., Washington, DC 20226 at email: *Anita.Scheddel@atf.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83): Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Transactions Among Licensees/Permittees, Limited

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): None.

Abstract: Specific requirements for licensees and permittees regarding limited explosive permits are outlined in this information collection. The transactions are stated in #1. of this supporting statement. This information will be used by ATF to implement the provisions of the Safe Explosives Act.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 125 respondents will take 30 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 63 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: January 6, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00273 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0218]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection: Census of Juveniles in Residential Placement

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice, Office of Justice Programs, 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 is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** 1t Volume 80 FR 66568, on October 29, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until February 10, 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: Brecht Donoghue, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street NW., Washington, DC 20531 or *brecht.donoghue@usdoj.gov.* Written comments and/or suggestions can also be directed to the Office of Management and Budget, Officer of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or send to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms

of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Census of Juveniles in Residential Placement.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is CJ–14, Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The primary respondents are state agencies, local governments, non-profit organizations, and for-profit organizations. This census will be sent to facilities that hold juvenile delinquent and/or juvenile status offenders. It requests information on juvenile offender characteristics (age, sex, race, ethnicity); state of origin; placing agencies for these youth; government level; and the legal status. The data collected is used to inform the Nation's understanding of youth placed out of the home due to some contact with the juvenile justice system.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 2,386 respondents will complete a 3.625-hour questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this application is 8,630.5 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., 3E.405B, Washington, DC 20530.

Dated: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00239 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0049]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for National Firearms Examiner Academy

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 11, 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 Sheila Hopkins, Program Manager, National Laboratory Center, 6000 Ammendale Road, Ammendale, MD 20705 at email: *Sheila.Hopkins@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83): Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Application for National Firearms Examiner Academy.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 6330.1.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local or Tribal Government.

Other (if applicable): Federal Government.

Abstract: The Office of Science and Technology, Forensic Services offers the National Firearms Examiner Academy (NFEA) training program for entry level firearms and toolmark examiners. This program is designed in part to address the critical law enforcement needs of the services provided by firearms and toolmark examiners, and is to be offered qualified applicants from state, local, and federal law enforcement agencies and to newly appointed ATF firearms and toolmark examiners.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 75 respondents will take 12 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 15 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: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00223 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0047]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection Application for Import Quota for Ephedrine, Pseudoephedrine, and Phenylpropanolamine DEA Form 488

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), 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. This proposed information collection was previously published in the **Federal Register** at 80 FR 67422, on November 2, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until February 10, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments 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 Barbara J. Boockholdt, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812. 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other 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:* Application for Import Quota for Ephedrine, Pseudoephedrine, and Phenylpropanolamine.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form: 488. The applicable component within the Department of Justice is the Drug Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): Not-for-profit institutions; Federal, State, local, and tribal governments.

Abstract: Title 21, United States Code (U.S.C.), Section 952, and Title 21, Code of Federal Regulations (CFR), § 1315.34 require that persons who desire to import the List I chemicals Ephedrine, Pseudoephedrine, or Phenylpropanolamine during the next calendar year shall apply to DEA on DEA Form 488 for an import quota for those List I chemicals.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 35 persons complete 80 DEA Forms 488 annually for this collection at 1 hour per form, for an annual burden of 80 hours. Respondents complete a separate DEA Form 488 for each List I chemical for which quota is sought.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 80 annual burden hours.

If additional information is required please 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., Suite 3E.405B, Washington, DC 20530.

Dated: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00235 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0043]

Agency Information Collection Activities; Proposed eCollection eComments Requested; National Tracing Center Trace Request, ATF F 3312.1

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 11, 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 Larry Penninger, Jr., National Tracing Center, 244 Needy Road, Martinsburg, WV 25405, at telephone number of email: 1–800–788–7133 or *larry.penninger@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

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

Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83): Revision of a currently approved collection.

2. *The Title of the Form/Collection:* National Tracing Center Trace Request.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 3312.1.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Federal Government.

Other (if applicable): State, Local, or Tribal Government.

Abstract: The ATF Form 3312.1 is used by Federal, State, local and certain foreign law enforcement officials to request that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) trace firearms used or suspected to have been used in crimes.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 6,103 respondents will take 6 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:*

7. The estimated annual public burden associated with this collection is 34,448 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: January 6, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00272 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0002]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Restoration of Firearms Privileges

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 11, 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 Laurie O'Lena, Program Manager, ATF National Center for Explosives Training and Research Corporal Road, Bldg. 3750 Redstone Arsenal, Huntsville, AL 35898 at email: *Laura.O'Lena@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

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

Overview of This Information Collection

1. *Type of Information Collection (*check justification or form 83): Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Application for Restoration of Firearms Privileges.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 3210.1.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): None.

Abstract: The information requested is collected to fulfill the requirements of 18 U.S.C. Chapter 44. Under Federal law, individuals prohibited from purchasing, possessing, receiving, or transporting firearms are permitted to apply for restoration of their firearms privileges. The information to be supplied must identify the specifics of the applicant's appeal for restoration of privileges. The information is investigated, processed, examined, and stored initially at ATF Headquarters.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 250 respondents will take 30 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 125 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: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00221 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0006]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application and Permit for Importation of Firearms, Ammunition and Defense Articles, ATF F 6, Part II (5330.3B)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 11, 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 Desiree Dickinson, Industry Liaison, Firearms and Explosives Imports Branch, 244 Needy Road, Martinsburg, WV 25405, at email: *Desiree.Dickinson@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83): Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Application and Permit for Importation of Firearms, Ammunition and Defense Articles.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 6, Part II (5330.3B).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): Business or other for-profit; Federal Government; State, Local, or Tribal Government.

Abstract: The form is used to determine if the article(s) described on the application qualifies for importation by the importer, and to serve as the authorization for the importer. In addition, information may be disclosed to other Federal, State, foreign and local law enforcement and regulatory agency personnel to verify information on the application, and to aid in the performance of their duties with respect to the enforcement and regulation of firearms and/or ammunition where such disclosure is not prohibited by law.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 400 respondents will take 30 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 200 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: January 6, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00270 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0259]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Previously Approved Collection Public Safety Officer Medal of Valor (Public Law 107–12)

AGENCY: Bureau of Justice Assistance, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance, 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. This proposed information collection was previously published in the **Federal Register** at 80 FR 68878, on November 6, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until February 10, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments on the estimated burden to facilities covered by the standards to comply with the regulation's reporting requirements, suggestions, or need additional information, please contact Gregory Joy, Bureau of Justice Assistance, 810 Seventh Street NW., Washington, DC 20531. 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/or
—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. *The Title of the Form/Collection:* Public Safety Officer Medal of Valor (Public Law 107–12).

3. *The agency form number:* The application process is managed through the Internet, using the Office of Justice Programs' (OJP) MOV online application system at: *https://www.bja.gov/programs/medalofvalor/index.html.*

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The information that is being collected is solicited from federal, state, local and tribal public safety agencies, who wish to nominate their personnel to receive the Public Safety Officer Medal of Valor (MOV). This information is provided on a voluntary basis, includes agency and nominee information along with details about the events for which the nominees are to be consider when determining who will be recommended to receive the MOV.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Over the last four application submission periods, (2011–2012 thru 2014–2015), there were a total of 514 applications received. Taking this number into account, the average number of applications that are anticipated to be received on an annual basis is 128.5. This number does not factor in the ongoing outreach efforts (*e.g.* marketing and social medial outreach) that are intended to increase the number of annual submissions. In addition, it is projected that the application submission process takes approximately 25 minutes. This would include, reviewing the fields of required and optional information, arranging the information and populating the online application form.

6. *An estimate of the total public burden (in hours) associated with the collection:* Base upon the average number of submissions over the last 4 years, and the estimated time required to complete each submission, the estimated annual public burden would be 53.54 hours.

a. 128.5 × 25 minutes = 3,212.5 minutes/60 = 53.54 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., 3E.405B, Washington, DC 20530.

Dated: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00240 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0025]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Limited Permittee Transaction Report (ATF F 5400.4)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 11, 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 Anita Scheddel, Program Analyst, Explosives Industry Programs Branch, 99 New York Ave. NE., Washington, DC 20226 at email: *Anita.Scheddel@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

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

Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83): Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Limited Permittee Transaction Report

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 5400.4.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): Businesses or other non-profit.

Abstract: The purpose of this collection is to enable ATF to determine whether limited permittees have exceeded the number of receipts of explosives materials they are allowed and to determine the eligibility of such persons to purchase explosive materials.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 125 respondents will take 20 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 250 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: January 6, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00271 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0008]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection Application for Procurement Quota for a Controlled Substance and for Ephedrine, Pseudoephedrine, and Phenylpropanolamine DEA Form 250

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), 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 March 11, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments 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 Barbara J. Boockholdt, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other 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:* Application for Procurement Quota for Controlled Substance and for Ephedrine, Pseudoephedrine, and Phenylpropanolamine (DEA Form 250).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: DEA Form 250. The applicable component within the Department of Justice is the Drug Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): None.

Abstract: Any United States companies that desire to use any basic class of controlled substances listed in schedule I or II or the List I chemicals ephedrine, pseudoephedrine, or phenylpropanolamine for purposes of manufacturing during the next calendar year shall apply on DEA Form 250 for a procurement quota for such class.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that each form takes 0.5 hours to complete. In total, 417 respondents submit 2,960 responses, with each response taking 0.5 hours to complete.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 1,480 annual burden hours.

If additional information is required please 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., Suite 3E.405B, Washington, DC 20530.

Dated: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00234 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0006]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Application for Individual Manufacturing Quota for a Basic Class of Controlled Substance and for Ephedrine, Pseudoephedrine, and Phenylpropanolamine DEA Form 189

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), 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 March 11, 2016.

FOR FURTHER INFORMATION CONTACT: If you have comments 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 Barbara J. Boockholdt, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

— Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

— Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

— Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
— Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other 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:* Application for Individual Manufacturing Quota for a Basic Class of Controlled Substance and for Ephedrine, Pseudoephedrine, and Phenylpropanolamine (DEA Form 189).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: DEA Form 189. The applicable component within the Department of Justice is the Drug Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): None.

Abstract: The Controlled Substance Act (CSA) require that any person who is registered to manufacture any basic class of controlled substances listed in Schedule I or II and who desires to manufacture a quantity of such class; or who desires to manufacture using the List I chemicals ephedrine, pseudoephedrine, or phenylpropanolamine, must complete the DEA Form 189 online, for a manufacturing quota for such quantity of such class or List I chemical.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that each form takes 0.5 hours to complete. In total, 34 respondents submit 660 responses, with each response taking 0.5 hours to complete.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 330 annual burden hours.

If additional information is required please 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., Suite 3E.405B, Washington, DC 20530.

Dated: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00233 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0081]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Appeals of Background Checks

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until March 11, 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 Shawn Stevens, Federal Explosives Licensing Center, 244 Needy Road, Martinsburg, WV 25405, at email or telephone number: *Shawn.C.Stevens@usdoj.gov* or 1–877–283–3352.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

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

Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83): Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Appeals of Background Checks.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): Businesses or other non-profit.

Abstract: This collection allows responsible person or employee to challenge an adverse background check determination by submitting appropriate documentation to the ATF.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 500 respondents will take 2 hours to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 1,000 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00225 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Flash/Cancellation/Transfer Notice (I–12)

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division 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. This proposed information collection was previously published in the **Federal Register** at 80 FR 57643, on September 24, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until February 10, 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 Gerry Lynn Brovey, Supervisory Information Liaison Specialist, FBI, CJIS, Resources Management Section, Administrative Unit, Module C–2, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306 (facsimile: 304–625–5093). 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/or

—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:* Approval of existing collection in use without an OMB control number.

(2) *Title of the Form/Collection:* Flash/Cancellation/Transfer Notice.

(3) *Agency form number:* I–12.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal and tribal law enforcement agencies. This collection is needed to indicate on an individual's identity history that the individual is being supervised to ensure the supervisory agency is notified of any additional criminal activity. Acceptable data is stored as part of the Next Generation Identification (NGI) system of the FBI.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 6,104 respondents will complete each form within approximately 8 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 25,733 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00241 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0094]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Certification of Qualifying State Relief From Disabilities Program

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until March 11, 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 Carolyn King, Program Manager, Firearms Explosives Industry Division, 99 New York Avenue NE., Washington, DC 20226, at telephone number or email: 202–648–7825 or *Carolyn.King@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Certification of Qualifying State Relief from Disabilities Program.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection: Form number (if applicable):* ATF Form 3210.12.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, Local, or Tribal Government.

Other (if applicable): None.

Abstract: This form is to be used by a State to certify to the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that it has established a qualifying mental health relief from firearms disabilities program that satisfies certain minimum criteria established by the NICS Improvement Amendment Act of 2007, Public Law 110–180, Section 105, enacted January 8, 2008 (NIAA). This certification is required for States to be eligible for certain grants authorized by the NIAA.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 50 respondents will take 15 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 13 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: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00226 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–New]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection: Census of Victim Service Providers (VSP Census)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, 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 March 11, 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 Lynn Langton, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Lynn.Langton@usdoj.gov;* telephone: 202–353–3328).

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 Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

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

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *The Title of the Form/Collection:* Census of Victim Service Providers.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form numbers for the collection are VSP–1, VSP–2, and VSP–3. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Organizations that have been identified as providing services to victims of crime or abuse will be asked to respond. The Census of Victim Service Providers is the first national collection to gather data on the characteristics, functions, and resources of entities that provide assistance to victims of crime or abuse.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 31,000 victim service providers will be asked to respond to the survey. About 15% of entities will no longer be in business or no longer serving victims and these respondents will be ineligible to complete the survey instrument. For the remaining 26,350 victim service providers, it will take the average interviewed respondent an estimated 20 minutes to respond.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 8,783 total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: January 6, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00269 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0025]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement With Change of a Previously Approved Collection: Report of Public Safety Officer's Death

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance 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 March 11, 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: Chris Casto by mail at Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street NW., Washington, DC 20531; or by email at *Chris.Casto@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:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

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

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement with change of a previously approved collection.

2. *The Title of the Form/Collection:* Report of Public Safety Offices Death.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Bureau of Justice Assistance. Office of Justice Programs, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Public safety agencies experiencing the death of a public safety officer according to the PSOB Act.

Abstract: BJA's Public Safety Officers' Benefits (PSOB) Office will use the PSOB Report of Public Safety Officer's Death Form information to confirm the eligibility of applicants to receive Public Safety Officers' Death Benefits. Eligibility is dependent on several factors, including public safety officer status, an injury sustained in the line of duty, and the claimant status in the beneficiary hierarchy according to the PSOB Act. In addition, information to help the PSOB Office identify an individual is collected, such as Social Security numbers, telephone numbers, and email addresses. Changes to the report form have been made in an effort to streamline the application process and eliminate requests for information that are either irrelevant or already being collected by other means.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that not more than 350 respondents will apply a year. Each application takes approximately 240 minutes.

6. *An estimate of the total public burden (in hours) associated with the collection:* The Total Annual Reporting Burden: 350 × 240 minutes per application = 84,000 minutes/by 60 minutes per hour = 1,400 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., 3E.405B, Washington, DC 20530.

Dated: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00237 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0091]

Agency Information Collection Activities; Proposed eCollection eComments Requested; National Response Team Customer Satisfaction Survey

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** at 80 FR 67791, on November 3, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until February 10, 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 Joe Romano, Program Analyst, Bureau of Alcohol, Tobacco, Firearms and Explosives, 99 New York Avenue NE., Washington, DC 20226 at: *joseph.romano@atf.gov* and 202–648–7134.

SUPPLEMENTARY INFORMATION: The collection is conducted in a manner consistent with 5 CFR 1320.6. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

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

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* National Response Team Customer Satisfaction Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: None.

Abstract: The National Response Team (NRT) survey is used to support a Bureau performance measure and to assess strengths and weaknesses of a major program of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 20 respondents will take 10 minutes to complete the questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 5 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: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00228 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0024]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement With Change of a Previously Approved Collection: Claim for Death Benefits

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance 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 March 11, 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: Chris Casto by mail at Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street NW., Washington, DC 20531; or by email at *Chris.Casto@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:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

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

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement with change of a previously approved collection

2. *The Title of the Form/Collection:* Claim for Death Benefits

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Bureau of Justice Assistance. Office of Justice Programs, United States Department of Justice

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Eligible survivors of fallen public safety officers.

Abstract: BJA's Public Safety Officers' Benefits (PSOB) Office will use the PSOB Claim Form information to confirm the eligibility of applicants to receive Public Safety Officers' Death Benefits. Eligibility is dependent on several factors, including public safety officer status, an injury sustained in the line of duty, and the claimant status in the beneficiary hierarchy according to the PSOB Act. In addition, information to help the PSOB Office identify an individual is collected, such as Social Security numbers, telephone numbers, and email addresses. Changes to the claim form have been made in an effort to streamline the application process and eliminate requests for information that are either irrelevant or already being collected by other means.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that not more than 350 respondents will apply a year. Each application takes approximately 120 minutes.

6. *An estimate of the total public burden (in hours) associated with the collection:* The Total Annual Reporting Burden: 350 × 120 minutes per application = 42,000 minutes/by 60 minutes per hour = 700 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., 3E.405B, Washington, DC 20530.

Dated: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00236 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0039]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Approval, With Change, of a Previously Approved Collection; Bioterrorism Preparedness Act: Entity/Individual Information

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at 80 FR 65800, on October 27, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until February 10, 2016.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to John E. Strovers, Global Operations Section, CJIS Division Intelligence Group, Federal Bureau of Investigation, Criminal Justice Information Services Division, (CJIS), Module D–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–2198. 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. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Extension of current collection.

(2) *The title of the form/collection:* Federal Bureau of Investigation Bioterrorism Preparedness Act: Entity/Individual Information.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Forms FD–961; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: *Primary:* City, county, state, federal, individuals, business or other for profit, and not-for-profit institute. This collection is needed to receive names and other identifying information submitted by individuals requesting access to specific agents or toxins, and consult with appropriate officials of the Department of Health and Human Services and the Department of Agriculture as to whether certain individuals specified in the provisions should be denied access to or granted limited access to specific agents.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: There are approximately 4,635 (FY 2015) respondents at 45 minutes for the FD–961 Form.

(6) An estimate of the total public burden (in hours) associated with this collection: There are approximately 3,476 hours, annual burden, associated with this information collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00242 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0077]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Report of Stolen or Lost ATF Forms 5400.30, Intrastate Purchase Explosive Coupon

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until *March 11, 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 Christopher Reeves, Chief, Federal Firearms Licensing Center, 244 Needy Road, Martinsburg, WV 25405, at: *Christopher.Reeves@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

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

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Report of Stolen or Lost ATF Forms 5400.30, Intrastate Purchase Explosive Coupon.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 5400.30.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): Individuals or households.

Abstract: When any Intrastate Purchase of Explosives Coupon is stolen, lost or destroyed, the person losing possession will, upon discovery of the theft, loss or destruction, immediately, but in all cases before 24 hours have elapsed since discovery, report the matter to the Director, Alcohol, Tobacco, Firearms and Explosives.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 10 respondents will take 20 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 3.5 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: January 5, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00224 Filed 1–8–16; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of November 9, 2015 through December 11, 2015.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) the increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) the shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) a significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(e) of the Act must be met.

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
85,295	Bimbo Bakeries USA, Inc., BBU, Inc., Earthgrains Baking Companies, Inc.	Sioux City, IA	May 7, 2013.
85,516	Bimbo Bakeries USA, Inc., BBU, Inc	Fresno, CA	September 3, 2013.
85,959	Wirerope Works Inc., Manpower, Depasquale Staffing Services	Williamsport, PA	April 24, 2014.
86,099	Mohawk Industries, Ambassador Personnel	Landrum, SC	June 16, 2014.
90,015	StarTek USA, Inc	Greeley, CO	January 1, 2014.
90,050	TPUSA—FHCS, Inc	Fairmont, WV	January 1, 2014.
90,056	Parker Hannifin Corporation, Racor Division, Aerotek, Ambassador Personnel.	Beaufort, SC	November 10, 2014.
90,078	Feralloy Corporation, St. Louis Division	Granite City, IL	January 1, 2014.
90,131	A.P. Green Refractories, Inc., A.P. Green Industries, Inc., Harbison Walker International, Inc., etc.	Oak Hill, OH	January 1, 2014.
90,161	Boardman LLC, Top Notch, Preferred Personnel	Wichita, KS	January 1, 2014.
90,281	Verso Corporation, Wickliffe Mill, Select Staffing, U.S., Security Associates and ABBCO Janito.	Wickliffe, KY	January 1, 2014.
90,298	Roaring Spring Blank Book Company, Roaring Spring Paper Products	Martinsburg, PA	January 1, 2014.
90,327	Kyklos Bearing International, LLC	Sandusky, OH	January 1, 2014.
91,008	Expera Old Town, LLC, Expera Specialty Solutions, LLC, Red Shield Acquisition, etc.	Old Town, ME	September 30, 2014.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
85,097	Dex Media, Super Media Services LLC, Advantage Technical Resourcing (TAC).	Middleton, MA	February 21, 2013.
85,394	Merck Sharp & Dohme Corporation, Merck & Co., Inc., Medicinal Chemistry Group, Agile-1, Jones Lang LaSalle.	Rahway, NJ	June 24, 2013.
85,586	Delta Dental of Pennsylvania, Data Entry Division	Mechanicsburg, PA	October 9, 2013.
85,601	Pitney Bowes Inc., U.S. Mailing Division, North American Order Management Department.	Troy, NY	October 7, 2013.
85,656	Sprint/United Management Company, Enterprise Testing Services, IBM	Overland Park, KS	November 18, 2013.
85,752	Lear Corporation, Corporate Division, Shared Services—Accounts Payable.	Southfield, MI	January 6, 2014.
85,829	Sony Puerto Rico, Inc., Brenda Marrero & Associate Group and Innova Industrial Contractor.	Guaynabo, PR	February 10, 2014.
85,992	Verizon, Customer Service Help Desk Support	Cary, NC	May 6, 2014.
86,069	Schlumberger Technology Corporation, Journey Management Center Operators, Advantage Staffing, ICONMA, LLC, etc.	Kellyville, OK	June 4, 2014.
86,071	INVISTA S.A.R.L., ABM	Athens, GA	June 5, 2014.
86,075	EPIC Technologies, LLC, NEO Technologies Solutions	El Paso, TX	July 13, 2014.
90,002	Caterpillar Inc., Advanced Components Systems Division, &Building KK, etc.	East Peoria, IL	January 1, 2014.
90,037	Bush Industries, Inc., Mason Drive Facility, Express Employment Professionals, US Security Assoc.	Jamestown, NY	September 20, 2015.
90,037A	Kelly Services, Bush Industries, Inc	Jamestown, NY	January 1, 2014.
90,037B	Bush Industries, Inc., Allen Street Facility, Express Employment Professionals, US Security Assoc.	Jamestown, NY	September 20, 2015.
90,037C	Kelly Services, Bush Industries, Inc., Allen Street Facility	Jamestown, NY	January 1, 2014.

TA–W No.	Subject firm	Location	Impact date
90,039	Flik Hospitality Group, North America, Mondelez International	Wilkes-Barre, PA	January 1, 2014.
90,041	Powerex Inc	Youngwood, PA	April 21, 2014.
90,065	Capital One US Card Operations, Capital One Services II LLC, Capital One Services, LLC, etc.	Tigard, OR	January 1, 2014.
90,075	Symantec Corporation, Technical Support, Veritas Software Corporation, Pro Unlimited, Inc., etc.	Springfield, OR	January 1, 2014.
90,079	A & H Sportswear Co., Inc	Nazareth, PA	January 1, 2014.
90,083	Hewlett Packard Company, Global Procurement Division, ADEA Solutions, etc.	Corvallis, OR	January 1, 2014.
90,084	Pacific Interpreters, Language Line Services, Languageline, LLC, Sling-Shot Connections.	Portland, OR	January 1, 2014.
90,087	ClosetMaid, Emerson Electric Company, Volt Workforce Solutions, Select Staffing.	Chino, CA	January 1, 2014.
90,089	Delphi Connection Systems, LLC, Delphi Automotive, LLC	Irvine, CA	January 1, 2014.
90,093	T-Shirt International, Inc	Culloden, WV	November 3, 2014.
90,097	Sandvik Mining and Construction USA, LLC, Sandvik, Inc., Work Personnel Services.	Bristol, VA	January 1, 2014.
90,115	Maersk Agency USA, Inc., Finance Division, Talent Bridge	Charlotte, NC	January 1, 2014.
90,115A	Maersk Agency USA, Inc., Finance Division	The Woodlands, TX	January 1, 2014.
90,115B	Maersk Agency USA, Inc., Finance Division	Florham Park, NJ	January 1, 2014.
90,119	DFS Corporate Services, LLC, Business Technology Student Loan Production Support Division & DSL, etc.	Pittsford, NY	January 1, 2014.
90,141	Capital One US Card Operations, Capital One Services II, LLC, Capital One, National Association.	Sioux Falls, SD	January 1, 2014.
90,145	MasterCard International Incorporated	Purchase, NY	January 1, 2014.
90,147	Exterran Energy Solutions, LP, American Staff Corp., Employee Solutions, etc.	Broken Arrow, OK	January 1, 2014.
90,156	Boston Scientific, EP Technologies, Barrett Business Services	San Jose, CA	January 1, 2014.
90,156A	Boston Scientific, Target Therapeutics, Barrett Business Services	Fremont, CA	January 1, 2014.
90,166	Dresser, Inc., Dresser Masoneilan, General Electric Measurement and Control, etc.	Avon, MA	May 9, 2015.
90,166A	Kelly Services, NEED, Op Amp, Softek, Aerotek, and APN Software Solutions, Dresser Masoneilan, General Electric Measurement and Control, etc.	Avon, MA	January 1, 2014.
90,168	Transamerica Life Insurance Company, Enterprise Business Services, Computer Sciences Corporation, etc.	Los Angeles, CA	January 1, 2014.
90,170	Startek, Inc., Account Temps Agency	Greenwood Village, CO	January 1, 2014.
90,224	Texas Health Care, P.L.L.C	Fort Worth, TX	January 1, 2014.
90,226	Toyota Tsusho America, Inc., Pasona, Robert Half, Top Chicago, Delta Search Group, etc.	Farmington Hills, MI	January 1, 2014.
90,234	Parker Hannifin Corporation, Medical Systems Division, Kimco Staffing	Anaheim, CA	January 1, 2014.
90,262	NCO Financial Systems, Inc., Expert Global Solutions, EGS Financial Care, Inc.	St. Joseph, MO	January 1, 2014.
90,265	Osram Sylvania, Inc., Victory Personnel Services, Inc., Yoh Services, LLC.	Wellsboro, PA	December 14, 2015.
90,279	Swiss Re America Holding Corporation, Finance	Overland Park, KS	January 1, 2014.
90,299	Leon Interiors, Inc., Leon Plastics, Inc. Employment Group, Adecco, Manpower, Aerotek, etc.	Grand Rapids, MI	January 1, 2014.
90,321	Metso Minerals Industries, Inc, Metso Corporation	York, PA	January 1, 2014.
90,331	Kimco Realty Corporation	New Hyde Park, NY	January 1, 2014.
91,006	Vocollect, Inc., Honeywell International, Inc., Cortech, GDKN Corporation, Manpower, etc.	Monroeville, PA	September 30, 2014.
91,007	Joy Global, Inc	Brook Park, OH	September 30, 2014.
91,009	PI. U.S. Holding, Inc., Rheem Sales Company, Inc., Rheem Manufacturing Company, etc.	Fort Smith, AR	October 25, 2015.
91,017	American Airlines, Inc., Texas Aero Engine Services, LLC	Fort Worth, TX	October 2, 2014.
91,027	Indiana Marujun, LLC, Adecco, First Call	Winchester, IN	October 2, 2014.
91,030	Mitsubishi Motors North America, Inc., Mitsubishi Motors Corporation Manufacturing Division, ETG, etc.	Normal, IL	October 6, 2014.
91,042	Airboss Defense Inc., Vermont Division, AirBoss of America	Milton, VT	October 8, 2014.
91,052	EnerSys Energy Products, Inc., EnerSys, Corporate Care	Warrensburg, MO	October 13, 2014.
91,055	Emerson Tool Company, Finance and Administration Divisions	St. Louis, MO	October 15, 2014.
91,056	Visual Citi Inc	Lindenhurst, NY	October 15, 2014.
91,067	Ulticom, Inc., Mitel US Holdings, Inc	Mount Laurel, NJ	October 21, 2014.
91,079	HBW Leads LLC	Salem, OR	October 27, 2014.
91,085	YP Advertising & Publishing LLC, Maryland Heights, Missouri Division, Digital Operations Group, etc.	Maryland Heights, MO	October 29, 2014.
91,111	Parker Hannifin Corporation, Intertech Drive, Gear Pump Division, Aerotek.	Youngstown, OH	October 30, 2014.
91,172	Wheelock Manufacturing Inc	Morocco, IN	November 23, 2014.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
85,040	S&S Transportation, Inc	Lincoln, ME	January 28, 2013.
90,284	Bloomington Normal Seating Company, People Link	Normal, IL	January 1, 2014.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
90,036	Bush Industries of Pennsylvania, Inc., Labor Ready	Erie, PA	September 20, 2015.
90,036A	Kelly Services, Bush Industries of Pennsylvania, Inc	Erie, PA	January 1, 2014.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1) (employment decline or threat of separation) of section 222 has not been met.

TA–W No.	Subject firm	Location	Impact date
85,706	Quality Auto Electric, Inc	Knoxville, TN	
86,036	Flowers Bakeries, LLC	Waterloo, IA	
90,128	Market Strategies	Clifton Park, NY	
90,179	Leedon Webbing Co., Inc., ADD Temps	Central Falls, RI	
90,282	L&M Radiator, Inc	Independence, IA	

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
85,165	Esterline Memtron Input Components, Esterline Technologies, Trillium	Frankenmuth, MI	
85,815	Peak Oilfield Services Company	Nikiski, AK	
86,134	Thorpe Plant Services, Inc., ESCI	Broken Arrow, OK	

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
85,064	Southside Manufacturing	Blairs, VA	
85,075	Duro Textiles, LLC, Finishing and Print Plants, Patriarch Partners, LLC, LT Staffing, etc.	Fall River, MA	
85,093	Specialty Foods Group, Inc., Ron's Staffing	Chicago, IL	
85,114	Predator Systems, Inc., Curtiss-Wright Controls, Aerotek Commercial Staffing.	Boca Raton, FL	
85,158	Cox Communications California LLC, Retention Group, Zero Chaos	Rancho Santa Margarita, CA	
85,290	Rigaku Innovative Technologies, Inc., Rigaku America Holding Company, SAXS Systems.	Auburn Hills, MI	
85,384	Verizon California, Inc	Long Beach, CA	
85,403	BAE Systems Aerospace & Defense Group, Inc., Protection Systems Division, The Job Shop.	McKee, KY	
85,403A	BAE Systems Aerospace & Defense Group, Inc., Protection Systems Division, The Job Shop.	Annville, KY	
85,448	UnitedHealth One, UnitedHealth Group, Golden Rule Insurance Company.	Lawrenceville, IL	
85,448A	UnitedHealth One, UnitedHealth Group, Golden Rule Insurance Company.	Indianapolis, IN	
85,448B	UnitedHealth One, UnitedHealth Group, Golden Rule Insurance Company.	Green Bay, WI	
85,517	M&D Industries, Inc	Clarendon, PA	
85,543	Momentive Performance Materials Quartz, Inc., Quartz and Ceramics, Momentive Performance Materials, Inc.	Hebron, OH	

TA–W No.	Subject firm	Location	Impact date
85,649	Oshkosh Defense, LLC, Oshkosh Corporation, Accountemps, STS Technical Services, etc.	Oshkosh, WI	
85,670	Verizon Communications, Livesource Directory Assistance Operators	Erie, PA	
85,769	Rural Metro Ambulance	Salem, OR	
85,775	Laredo Petroleum, Inc., Rowland Group	Farmers Branch, TX	
85,791	MWI Veterinary Supply Co., MWI Veterinary Supply, Inc., Ambassador, Express Pros, Mega Force, etc.	Warsaw, NC	
85,825	OxyHeal Health Group, Inc., Traumatic Brain Injury Program (TBI)	Camp Lejeune, NC	
85,838	Bethany Christian Services, Transitional Foster Care, Bethany Christian Services USA.	Holland, MI	
85,925	Bimbo Bakeries USA, Inc., BBU, Inc	Fullerton, CA	
85,932	Mohican Mills, Inc., Fab Industries Corporation, Tallent Force	Lincolnton, NC	
85,942	Halliburton, Drilling Fluids, Oil Field Technical Services, Oil Consultants Limited.	Pocasset, OK	
85,985	Covidien LP, Covidien, PLC, Medical Device Division	Pompano Bay, FL	
86,000	Cudd Pumping Services, Inc., RPC, Inc., Megalodon Services, Inc	Seminole, OK	
86,013	Samson Resources Corporation, Allred Construction, Accounting Principals, Addison Group, etc.	Tulsa, OK	
86,021	The Shredder Company LLC	Canutillo, TX	
86,023	Team Oil Tools, LP, Tulsa Manufacturing	Tulsa, OK	
86,051	Archer Pressure Pumping, LLC	Union City, OK	
86,110	Allen Logging Company	Forks, WA	
86,131	WPX Energy Services Company, LLC, WPX Energy, Inc	Tulsa, OK	
90,005	Genesis Administrative Services LLC, Genesis Healthcare LLC	Albuquerque, NM	
90,031	CUDD Pressure Control, Inc., Canton District, RPC, Inc	Canton, PA	
90,074	IPS Engineering, LLC, Aerotek and the Rowland Group	Tulsa, OK	
90,237	YellowPages.com, LLC, San Francisco Division, Digital Operations Group, YP LLC, etc.	San Francisco, CA	

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
85,957	Tatung Company of America, Inc	Carson, CA	
90,049	Muffett and Sons Fencing, LLC	Zillah, WA	
90,053	Wheelock Manufacturing	Morocco, IN	
90,289	Hess Services	Hays, KS	
91,050	Concentrix	Greenville, SC	
91,059	Gordon Bros. Supply, Inc	Stroud, OK	
91,063	Unipower, LLC	Coral Springs, FL	

The following determinations terminating investigations were issued in cases where these petitions were not filed in accordance with the requirements of 29 CFR 90.11. Every petition filed by workers must be signed by at least three individuals of the petitioning worker group. Petitioners separated more than one year prior to the date of the petition cannot be covered under a certification of a petition under Section 223(b), and therefore, may not be part of a petitioning worker group. For one or more of these reasons, these petitions were deemed invalid.

TA–W No.	Subject firm	Location	Impact date
90,134	Brown Brothers Harriman & Co	New York, NY	
90,270	Milano Design Concept, Inc	Los Angeles, CA	

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

TA–W No.	Subject firm	Location	Impact date
90,094	Dex Media, Super Media Services LLC, Advantage Technical Resourcing (Formerly TAC).	Middleton, MA	

TA–W No.	Subject firm	Location	Impact date
90,294	U.S. Steel Tubular Products, Inc., Tubular Processing Houston Operations, United States Steel Corporation.	Houston, TX	
90,304	U.S. Steel Oilwell Services, LLC, Offshore Operations-Houston	Houston, TX	
91,039	Foxconn Assembly, LLC	Houston, TX	

The following determinations terminating investigations were issued because the petitions are the subject of ongoing investigations under petitions filed earlier covering the same petitioners.

TA–W No.	Subject firm	Location	Impact date
90,140	Century Aluminum of West Virginia, Inc	Ravenswood, WV	
91,127	Avery Dennison	Covina, CA	

I hereby certify that the aforementioned determinations were issued during the period of November 9, 2015 through December 11, 2015. These determinations are available on the Department's Web site *www.tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 16th day of December 2015.

Jessica R. Webster,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2016–00231 Filed 1–8–16; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than January 21, 2016.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 2016.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 16th day of December 2015.

Jessica R. Webster,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

102 TAA Petitions Instituted Between 11/9/15 and 12/11/15

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
91116	Warner Home Video (Company)	Burbank, CA	11/09/15	11/06/15
91117	Altairnano (Company)	Reno, NV	11/09/15	11/08/15
91118	Zurn Industries (Union)	Erie, PA	11/09/15	11/08/15
91119	TAPI Puerto Rico (State/One-Stop)	Guayama, PR	11/09/15	11/09/15
91120	Inteva Products (Union)	North Kansas City, MO	11/10/15	10/30/15
91121	REC Silicon ASA (Company)	Silver Bow, MT	11/10/15	11/04/15
91122	Alcoa Intalco Works (Union)	Ferndale, WA	11/10/15	11/09/15
91123	3M Brookville (State/One-Stop)	Brookville, OH	11/10/15	11/05/15
91124	ARM Inc. (Workers)	Olympia, WA	11/10/15	11/09/15
91125	Alcoa Wenatchee Works (Union)	Malaga, WA	11/12/15	11/06/15
91126	Thomson Reuters (State/One-Stop)	Valhalla, NY	11/12/15	11/06/15
91127	Avery Dennison (State/One-Stop)	Covina, CA	11/12/15	11/03/15
91128	AirDye Solutions LLC (Workers)	Harrisonburg, VA	11/12/15	11/03/15
91129	WestRock Services, Inc. (Company)	Coshocton, OH	11/12/15	11/10/15
91130	Trinseo LLC (State/One-Stop)	Gales Ferry, CT	11/12/15	11/10/15
91131	Areo Precision Products (Company)	Summerville, SC	11/12/15	11/11/15
91132	Century Aluminum of South Carolina Inc. (Company)	Goose Creek, SC	11/12/15	11/11/15
91133	Verizon Enterprise Solutions (Workers)	San Antonio, TX	11/12/15	11/11/15
91134	Meritor (Company)	Heath, OH	11/12/15	11/12/15
91135	ShopKo Store Support Center (Workers)	Green Bay, WI	11/13/15	11/12/15

102 TAA PETITIONS INSTITUTED BETWEEN 11/9/15 AND 12/11/15—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
91136	Neenah Paper, Inc. (State/One-Stop)	Fitchburg, MA	11/13/15	11/13/15
91137	Baker Hughes (State/One-Stop)	San Antonio, TX	11/13/15	11/10/15
91138	GrafTech International Holdings, Inc. (Company)	Anmoore, WV	11/13/15	11/03/15
91139	Leggett & Platt Springs Manufacturing LLC (State/One-Stop).	Colorado Springs, CO	11/16/15	11/13/15
91140	Eagle Wings Industries, Inc. (State/One-Stop)	Rantoul, IL	11/16/15	11/13/15
91141	International Paper Mill (Workers)	Courtland, AL	11/16/15	11/15/15
91142	BASF Corporation (State/One-Stop)	Florham Park, NJ	11/16/15	11/13/15
91143	RBS Citizens Bank National Association dba Citizens Bank, NA (State/One-Stop).	Riverside, RI	11/16/15	11/16/15
91144	Micron Technology Puerto Rico (Company)	Aguadilla, PR	11/17/15	11/16/15
91145	Joy Global (State/One-Stop)	Franklin, PA	11/17/15	11/16/15
91146	Nidec Motor Corporation (State/One-Stop)	Paragould, AR	11/17/15	11/16/15
91147	Mayhem (State/One-Stop)	Tulsa, OK	11/17/15	11/16/15
91148	XPO Logistics Inc. (State/One-Stop)	Portland, OR	11/18/15	11/17/15
91149	Time Customer Service Inc. (State/One-Stop)	Tampa, FL	11/18/15	11/17/15
91150	Avery Products Corporation (Company)	Meridian, MS	11/18/15	11/17/15
91151	The Directional Drilling Company (State/One-Stop)	Casper, WY	11/18/15	11/17/15
91152	PetroChoice (State/One-Stop)	Chisholm, MN	11/18/15	11/17/15
91153	Horizon Mud Company (State/One-Stop)	Midland, TX	11/18/15	11/17/15
91154	Allen Logging Co. Inc. (State/One-Stop)	Forks, WA	11/18/15	11/17/15
91155	Apache Corporation (Workers)	Tulsa, OK	11/19/15	11/16/15
91156	Guardian Life Insurance Co (State/One-Stop)	Appleton, WI	11/19/15	11/18/15
91157	Warren Steel Holdings, LLC (Union)	Warren, OH	11/19/15	11/18/15
91158	Motorola Mobility (Workers)	Fort Worth, TX	11/19/15	11/18/15
91159	Century Aluminum (State/One-Stop)	Robards, KY	11/19/15	11/18/15
91160	Magnetation LLC (State/One-Stop)	Bovey, MN	11/19/15	11/18/15
91161	Cleveland Range LLC, Div. of Manitowoc Foodservice (Company).	Fort Wayne, IN	11/19/15	11/18/15
91162	Carlson Wagonlit Travel (State/One-Stop)	St. Louis, MO	11/19/15	11/18/15
91163	GE Power and Water (Company)	Waukesha, WI	11/20/15	11/18/15
91164	Watts Radiant (State/One-Stop)	Springfield, MO	11/20/15	11/19/15
91165	Advanced Energy (State/One-Stop)	Bend, OR	11/20/15	11/19/15
91166	DJO Global/Exos (State/One-Stop)	Shoreview, MN	11/20/15	11/19/15
91167	De-Sta-Co, Dover Company (Union)	Auburn Hills, MI	11/23/15	10/27/15
91168	MPW Industrial Services (Company)	Hebron, OH	11/23/15	11/20/15
91169	Technicolor Creative Services (State/One-Stop)	Burbank, CA	11/23/15	11/20/15
91170	Enovation Controls (State/One-Stop)	Tulsa, OK	11/24/15	11/23/15
91171	Safilo USA (State/One-Stop)	Parsippany, NJ	11/24/15	11/23/15
91172	Wheelock Manufacturing Inc. (Company)	Morocco, IN	11/24/15	11/23/15
91173	Schlumberger (E & P Wireline) (Workers)	Moore, OK	11/24/15	11/23/15
91174	Trinet/SourceMedia (State/One-Stop)	New York, NY	11/24/15	11/23/15
91175	Harris Rebar/Ambassador Steel (Workers)	Auburn, IN	11/24/15	11/15/15
91176	Tronox (Workers)	Hamilton, MS	11/25/15	11/19/15
91177	PTC Alliance (B.F. #1) (Union)	Beaver Falls, PA	11/25/15	11/14/15
91178	Energizer (State/One-Stop)	Bennington, VT	11/25/15	11/25/15
91179	J.P. Morgan Chase (State/One-Stop)	Louisville, KY	11/27/15	11/25/15
91180	Motorola Solutions (Workers)	Schaumburg, IL	11/30/15	11/30/15
91181	Horizon Energy Services, LLC (State/One-Stop)	Stillwater, OK	11/30/15	11/05/15
91182	Maverick Innovatiive Solutions, LLC (Company)	Ashland, OH	11/30/15	11/05/15
91183	Baker Hughes (Workers)	Tulsa, OK	11/30/15	11/25/15
91184	BI Technologies—TT Electronics (Company)	Fullerton, CA	12/01/15	11/30/15
91185	The NPD Group (Workers)	Port Washington, NY	12/02/15	12/01/15
91186	Daikin Applied (State/One-Stop)	Auburn, NY	12/02/15	12/01/15
91187	SiHi Pumps (State/One-Stop)	Grand Island, NY	12/02/15	12/01/15
91188	NN, Inc.-Autocam Precision Components Group (State/One-Stop).	Wheeling, IL	12/02/15	12/02/15
91189	Diversified Well Logging (State/One-Stop)	Corpus Christi, TX	12/02/15	10/14/15
91190	D+H (Workers)	Bothell, WA	12/03/15	12/02/15
91191	Farrow Innovations LLC (Company)	Bryan, TX	12/03/15	11/24/15
91192	Xerox Corporation—Business Services LLC (State/One-Stop).	Dallas, TX	12/03/15	12/02/15
91193	Marietta/KIK Corp including Select Temporary Services (State/One-Stop).	Los Angeles, CA	12/04/15	12/03/15
91194	Kelly Services, Inc. on-site at Baker Hughes (State/One-Stop).	Claremore, OK	12/04/15	12/03/15
91195	NRG Energy, Inc. (Union)	Dunkirk, NY	12/07/15	12/04/15
91196	Federal-Mogul (State/One-Stop)	Orangeburg, SC	12/07/15	12/04/15
91197	Mercer (State/One-Stop)	Dallas, TX	12/07/15	12/04/15
91198	Chester Forest Products/Gardner Chip Mills (Company)	Chester, ME	12/07/15	12/04/15
91199	Alliance Resource Partners LLC (Workers)	Princeton, IN	12/08/15	12/04/15

102 TAA PETITIONS INSTITUTED BETWEEN 11/9/15 AND 12/11/15—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
91200	Valterra Products, LLC (Workers)	Avon Lake, OH	12/08/15	12/08/15
91201	Anthem, Inc. (State/One-Stop)	Cape Girardeau, MO	12/08/15	12/08/15
91202	Covidien (Workers)	Mansfield, MA	12/08/15	12/07/15
91203	Tango Networks/Trinet (Workers)	Frisco, TX	12/08/15	12/07/15
91204	Globo Mobile Technologies Inc. (Workers)	Canfield, OH	12/08/15	12/07/15
91205	KBR (State/One-Stop)	Houston, TX	12/09/15	12/08/15
91206	TGI Fridays (Company)	Carrollton, TX	12/10/15	12/09/15
91207	LG Nano H2O/LG Chem (State/One-Stop)	Hawthorne, CA	12/10/15	12/09/15
91208	Lexmark International (Workers)	Lexington, KY	12/10/15	12/09/15
91209	L&M Radiator (State/One-Stop)	Hibbing, MN	12/10/15	12/09/15
91210	General Securities Services Corporation (State/One-Stop)	Babbitt, MN	12/10/15	12/09/15
91211	D+H (Workers)	Portland, OR	12/11/15	12/10/15
91212	Amdocs (Workers)	Richardson, TX	12/11/15	12/10/15
91213	Superior Rock Bit Company (State/One-Stop)	Virginia, MN	12/11/15	12/10/15
91214	Parker Aerospace (State/One-Stop)	Liberty Lake, WA	12/11/15	12/10/15
91215	QBE North America (Workers)	Sun Prairie, WI	12/11/15	12/03/15
91216	Custom Metal Finishers (State/One-Stop)	Mountain View, MO	12/11/15	12/04/15
91217	Flextronics (Company)	West Columbia, SC	12/11/15	12/10/15

[FR Doc. 2016–00232 Filed 1–8–16; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent to Seek Approval to Establish an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request approval of this collection. In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than 3 years.

Comments: Written comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

DATES: Written comments on this notice must be received by March 11, 2016 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

For additional information or comments: Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Nonprofit Research Activities Survey.

OMB Approval Number: 3145–New.

Expiration Date: Not applicable.

Type of Request: Intent to conduct a pilot test for an information collection.

Abstract: The nonprofit sector is one of four major sectors that perform and/or fund research and development (R&D) in the U.S. Historically, the National Science Foundation (NSF) has combined this sector's data with the business, government, and higher education sector data to estimate total national R&D expenditures via the annual *National Patterns of R&D Resources* report. The other three sectors are surveyed annually; however, it has been more than 18 years since NSF last collected R&D data from nonprofit organizations.

The primary objective of the new survey is to fill data gaps in the *National Patterns of R&D Resources* in such a way that it is compatible with data collected on the business, government, and higher education sectors of the U.S. economy and appropriate for international comparisons. Since the last survey of research activity in the nonprofit sector occurred more than 18 years ago, and because of the more than 21% growth in IRS filings by nonprofits between 2001 and 2011, it is important that a new survey of nonprofit R&D be fielded to update current national estimates for the nonprofit sector.

The National Center for Science and Engineering Statistics (NCSES) plans to conduct a pilot of the new Nonprofit Research Activities Survey (NPRA). NPRA will collect R&D and other related data from U.S. nonprofit organizations. This survey will collect the following:

- Total amount spent on R&D activities within nonprofit organizations,
- Number of employees and R&D employees,
- Sources of funds for R&D expenditures,
- Expenditures by field of R&D,
- Total amount of R&D funding provided to others outside the nonprofit organization,
- Types of recipients receiving R&D funding, and
- Funding by field of R&D.

The process of developing the questionnaire involved several major steps. First, at NSF's request, in February 2014 the Committee on National Statistics convened a steering committee on Measuring R&D Expenditures in the U.S. Nonprofit Sector. Second, NCSES (through its contractor) conducted 23 interviews with representatives of nonprofit organizations. Third, an expert panel was convened in September 2014 for the

purpose of helping NSF shape the content and coverage of data related to R&D in the nonprofit sector. Finally, in the summer of 2015 cognitive interviews were conducted with representatives of 28 nonprofit organizations that perform and fund research to test the prenotification letter, a handout that will be included with the letter, and the survey instrument. The pilot test will be a web survey with a paper version of the questionnaire available for download. The initial contact with the nonprofit organizations will be via mail, but the remainder of the contacts will occur via email.

Use of the information: The primary purpose of this pilot survey is to assess the feasibility of and to test the process of collecting the necessary information prior to the launch of a nationally representative survey planned for 2017. The pilot survey results will not be published. However, NCSES does plan to use the information provided to improve our national estimates of nonprofit research spending in our annual publication *National Patterns of R&D Resources.*

Expected respondents: The pilot sample will be 4,000 nonprofit organizations.

Estimate of burden: We expect a response rate of 80%. Based on the responses from the 28 cognitive interviews, we estimate the full survey to require 10 hours to complete. The response time for nonprofit organizations that do not conduct or fund research should be under 1 hour. We estimate that of the 4,000 organizations surveyed, no more than 700 will identify as performer or funders and submit a full survey response. Therefore our estimate of burden for the pilot survey is 10,300 hours (7,000 hours for the 700 performers and funders; 3,300 for the remainder of the sample).

Dated: January 5, 2016.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2016–00229 Filed 1–8–16; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[EA–14–193; NRC–2015–0289]

In the Matter of Northern States Power Company, Minnesota

AGENCY: Nuclear Regulatory Commission.

ACTION: Confirmatory order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) and Northern States Power Company, Minnesota, doing business as Xcel Energy, engaged in mediation as part of the NRC's Alternative Dispute Resolution Program which resulted in a settlement agreement as reflected in the Confirmatory Order (CO) related to Xcel Energy. The purpose of the CO is to ensure that the licensee restores compliance with NRC regulations.

DATES: *Effective Date:* January 20, 2016

ADDRESSES: Please refer to Docket ID NRC–2015–0289 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0289. 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 access 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 in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Kenneth Lambert, Region III, U.S. Nuclear Regulatory Commission, Lisle, Illinois, 60532; telephone: 630–810–4376, email: *Kenneth.Lambert@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Lisle, Illinois this 21st day of December, 2015.

For the Nuclear Regulatory Commission.

Cynthia D. Pederson,

Regional Administrator.

Attachment—CONFIRMATORY ORDER MODIFYING LICENSE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
In the Matter of
Docket Nos. 50–263; 72–058
Northern States Power Company, Minnesota License No. DPR–22
(Doing business as Xcel Energy) EA–14–193
Monticello Nuclear Generating Plant

CONFIRMATORY ORDER MODIFYING LICENSE

I.

Northern States Power Company, Minnesota, doing business as Xcel Energy, (Licensee) is the holder of Reactor Operating License No. DPR–22 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50 on September 8, 1970, and renewed on November 8, 2006. The license authorizes the operation of the Monticello Nuclear Generating Plant (Monticello) in accordance with conditions specified therein. The facility is located on the Licensee's site in Monticello, Minnesota.

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on October 15, 2015.

II.

On December 18, 2013, the NRC Office of Investigations (OI), Region III Field Office initiated an investigation (OI Case No. 3–2014–004) to determine whether two contractor technicians at the Monticello Nuclear Generating Plant deliberately failed to perform nondestructive examinations (NDEs) on the Dry Shielded Canisters (DSCs) in accordance with procedural requirements, and to determine whether they falsified records when recording the NDE results. The results of the investigation, completed on November 13, 2014, were sent to Xcel Energy in a letter dated July 23, 2015 (ML15203B187). Based on the review of the OI investigation report the NRC determined that both contractor technicians willfully violated 10 CFR 72.158, ''Control of special processes,'' and 10 CFR 72.11, ''Completeness and accuracy of information.'' In addition, the NRC determined the licensee violated Title 10 CFR 72.154(c),

''Control of purchased material, equipment, and services.''

Specifically, on October 17, 2013, an NRC inspector observed, by video display, the NDE liquid penetrant testing (PT) of the outer top cover plate weld for DSCs being conducted by a contractor technician. The inspector believed that the technician failed to comply with procedural requirements in conducting the PT. The inspector reviewed the procedure, confirmed that the PT was not being performed in accordance with the procedure, and notified Monticello management. Monticello management and the NDE contractor management reviewed the video, and concluded the PT was not performed properly. Upon further review, the NRC inspector determined that two contractor NDE technicians were involved in performing the PT examinations. These individuals were involved with examining a total of 66 welds on six DSCs.

Based on the evidence gathered in the OI investigation, the NRC determined that the two NDE contractors deliberately violated NRC requirements by failing to perform NDE PT of DSCs, a special process, in accordance with procedures by not allowing the developer to dwell for the period of time specified in procedure 12751 QP–9.202, Rev. 1, ''Color Contrast Liquid Penetrant Examination using the Solvent-Removable Method.'' Their actions caused the licensee to be in violation of Certificate of Compliance 1004, Amendment 10, Technical Specification 1.2.5, ''DSC Dye Penetrant Tests of Closure Welds,'' which was implemented by the procedure, and 10 CFR 72.158, as NDE testing, a special process, was not accomplished in accordance with the applicable standards and requirements.

The NRC further determined that the two contractors willfully violated NRC requirements by recording false information concerning developer dwell times on the PT examination report for each NDE. This caused the licensee to be in violation of 10 CFR 72.11(a), which requires information required to be maintained by the licensee to be complete and accurate in all material respects.

The NRC also determined the licensee failed to assess the effectiveness of the controls of quality by the contractors. Specifically, the licensee did not adequately monitor the work of the contractors performing PT testing on DSCs No. 11 through 16. This caused the licensee to be in violation of 10 CFR 72.154(c), ''Control of purchased material, equipment, and services,'' which required, in part, that licensees assess the effectiveness of the control of quality by contractors and subcontractors at intervals consistent with the importance, complexity, and quantity of the product or services.

In response to the NRC's offer, Xcel Energy requested use of the NRC ADR process to resolve differences it had with the NRC. Alternative Dispute Resolution is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement on resolving any differences regarding the dispute. On October 15, 2015, Xcel Energy and the NRC met in an ADR session mediated by a professional mediator, arranged through the Cornell University's Institute on Conflict Resolution.

III.

During the ADR session, a preliminary settlement agreement was reached. This Confirmatory Order is issued pursuant to the agreement reached during the ADR process. The elements of the agreement, as signed by both parties, consisted of the following:

1. The licensee shall restore compliance to 10 CFR part 72 to DSCs 11 through 16 within 5 years of the date the NRC takes final action upon the September 29, 2015, exemption request pending for DSC 16 (ML15275A023), or the exemption request is withdrawn, whichever is earlier.

2. Within 180 calendar days of the NRC's final action on the docketed exemption request dated September 29, 2015 (ML15275A023), or the date the exemption request is withdrawn, whichever is earlier, the licensee shall submit a project plan to the Director, Division of Nuclear Materials Safety (DNMS), Region III, for returning DSCs 11 through 16 to compliance to 10 CFR part 72.

3. Within 180 calendar days after submittal of the DSCs 11 through 16 project plan, Xcel Energy shall submit a letter to the Director, DNMS, Region III, regarding progress under the plan, and any non-editorial changes to the plan. A letter providing a progress update and any non-editorial plan changes shall be provided every 360 calendar days thereafter to the Director, DNMS, Region III, until the plan is completed.

4. Within 90 calendar days of the issuance date of the Confirmatory Order, Xcel Energy shall evaluate Monticello's dry fuel storage procedures and ensure the procedures require direct licensee oversight during the entire evolution of each dye penetrant test performed by contractors on DSC closure welds.

5. Within 120 calendar days of the issuance date of the Confirmatory Order, Xcel Energy shall ensure and document that all first line supervisors and above, who oversee contractors performing field work in the Xcel Energy nuclear fleet, review the circumstances and lessons learned from the events that gave rise to the Confirmatory Order.

6. Within 360 calendar days of the issuance date of the Confirmatory Order, the licensee shall assess and document the effectiveness of improvements in oversight of supplemental workers (*e.g.,* contractors) in the Xcel Energy nuclear fleet, including the actions taken in item 5.

7. Within 540 calendar days of the issuance date of the Confirmatory Order, Xcel Energy shall develop and make a presentation based on the facts and lessons learned from the events that gave rise to the Confirmatory Order, with emphasis on corrective actions taken as a result. Xcel Energy agrees to make this presentation at an appropriate industry forum such that industry personnel across the entirety of the United States would have the opportunity to receive the material. Xcel Energy shall inform the Director, DNMS, Region III, of where the presentation will be made, and shall make the presentation materials available to the NRC for review at least 30 calendar days in advance of the presentation.

8. Within 360 calendar days of the issuance date of the Confirmatory Order, Xcel Energy shall submit an article to an industry publication, such as UxC Spent Fuel, describing the circumstances of the violation, the root and contributing causes, and the corrective actions. The licensee shall provide a draft to the Director, DNMS, Region III, at least 30 calendar days in advance of the submittal.

9. Upon completion of all terms of the Confirmatory Order, Xcel Energy shall submit to the NRC a letter discussing its basis for concluding that the Order has been satisfied.

In addition to the elements described above, Xcel Energy took the following corrective actions:

1. Xcel Energy revised its nuclear fleet Nuclear Oversight (''NOS'') and Supply Chain procedures to require the establishment of a NOS Project Oversight Plan for any Safety-Related or Augmented Quality fabrication or construction activities performed at the nuclear plant sites under a supplier's Quality Assurance (QA) Program. The NOS procedure for project oversight was also revised to address site project implementation in addition to project component fabrication, and associated project risks. Upfront planning of the level and type NOS oversight is based on those risks.

2. Xcel Energy created a nuclear fleet procedure for oversight of supplemental personnel (*e.g.,* contractors) based upon the Institute of Nuclear Power Operations (INPO) AP–930 ''Supplemental Personnel Process Description,'' which includes a requirement that each incoming contract worker have a face-to-face review of station standards, expectations, and requirements with the Maintenance Manager or designee. This includes current and all future contract personnel including contract quality control (QC) inspectors.

3. Xcel Energy issued a rapid operational experience notice for this event, which prompted a review of the event by Prairie Island Nuclear Generating Plant staff and shared the event with the nuclear industry through a process called the INPO Consolidated Event System (ICES).

4. Xcel Energy reviewed its General Access Training to ensure it addresses the consequences of willful violations.

In exchange for the commitments and corrective actions taken by the licensee, the NRC agrees to the following conditions:

1. The NRC will consider the Confirmatory Order as an escalated enforcement action for a period of one year from its issuance date.

2. The NRC will refrain from issuing a Notice of Violation and a proposed imposition of a civil penalty.

This agreement is binding upon the successors and assigns of Xcel Energy.

On December 10, 2015, Xcel Energy consented to issuing this Confirmatory Order with the commitments, as described in Section V below. Xcel Energy further agreed that this Confirmatory Order is to be effective 30 calendar days after issuance of the Confirmatory Order and that it has waived its right to a hearing.

IV.

Since the licensee agreed to take additional actions to address NRC concerns, as set forth in Section III above, the NRC concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that Xcel Energy's commitments as set forth in Section V are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Xcel Energy's commitments be confirmed by this Confirmatory Order. Based on the above and Xcel Energy's consent, this Confirmatory Order is effective 30 calendar days after issuance of the Confirmatory Order.

V.

Accordingly, pursuant to Sections 104b, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR part 50 and 10 CFR part 72, IT IS HEREBY ORDERED THAT THE ACTIONS DESCRIBED BELOW WILL BE TAKEN AT MONTICELLO NUCLEAR GENERATING PLANT AND OTHER NUCLEAR PLANTS IN XCEL ENERGY'S FLEET WHERE INDICATED AND THAT LICENSE NO. DPR–22 IS MODIFIED AS FOLLOWS WITH RESPECT TO THE ACTIONS TO BE TAKEN AT THE MONTICELLO NUCLEAR GENERATING PLANT:

1. The licensee shall restore compliance to 10 CFR part 72 to DSCs 11 through 16 within 5 years of the date the NRC takes final action upon the September 29, 2015, exemption request pending for DSC 16 (ML15275A023), or the exemption request is withdrawn, whichever is earlier.

2. Within 180 calendar days of the NRC's final action on the docketed exemption request dated September 29, 2015 (ML15275A023), or the date the exemption request is withdrawn, whichever is earlier, the licensee shall submit a project plan to the Director, Division of Nuclear Materials Safety, Region III, for returning DSCs 11 through 16 to compliance to 10 CFR part 72.

3. Within 180 days after submittal of the DSCs 11 through 16 project plan, Xcel Energy shall submit a letter to the Director, DNMS, Region III, regarding progress under the plan, and any non-editorial changes to the plan. A letter providing a progress update and any non-editorial plan changes shall be provided every 360 calendar days thereafter to the Director, DNMS, Region III, until the plan is completed.

4. Within 90 calendar days of the issuance date of the Confirmatory Order, Xcel Energy shall evaluate Monticello's dry fuel storage procedures and ensure the procedures require direct licensee oversight during the entire evolution of each dye penetrant test performed by contractors on DSC closure welds.

5. Within 120 calendar days of the issuance date of the Confirmatory Order, Xcel Energy shall ensure and document that all first line supervisors and above, who oversee contractors performing field work in the Xcel Energy nuclear fleet, review the circumstances and lessons learned from the events that gave rise to the Confirmatory Order.

6. Within 360 calendar days of the issuance date of the Confirmatory Order, the licensee shall assess and document the effectiveness of improvements in oversight of supplemental workers (*e.g.,* contractors) in the Xcel Energy nuclear fleet, including the actions taken in item 5.

7. Within 540 calendar days of the issuance date of the Confirmatory Order, Xcel Energy shall develop and make a presentation based on the facts and lessons learned from the events that gave rise to the Confirmatory Order, with emphasis on corrective actions taken as a result. Xcel Energy agrees to make this presentation at an appropriate industry forum such that industry personnel across the entirety of the United States would have the opportunity to receive the material. Xcel Energy shall inform the Director, DNMS, Region III, of where the presentation will be made, and make the presentation materials available to the NRC for review at least 30 calendar days in advance of the presentation.

8. Within 360 calendar days of the issuance date of the Confirmatory Order, Xcel Energy shall submit an article to an industry publication, such as UxC Spent Fuel, describing the circumstances of the violation, the root and contributing causes, and the corrective actions. The licensee shall provide a draft to the Director, DNMS, Region III, at least 30 calendar days in advance of the submittal.

9. Upon completion of all terms of the Confirmatory Order, Xcel Energy shall submit to the NRC a letter discussing its basis for concluding that the Order has been satisfied.

The Regional Administrator, Region III, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

VI.

Any person adversely affected by this Confirmatory Order, other than Xcel Nuclear, may request a hearing within 30 days of the issuance date of this Confirmatory Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in

accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007), as amended by 77 FR 46562; August 3, 2012 (codified in pertinent part at 10 CFR part 2, subpart C). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange (EIE), users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene through the EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time (ET) on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8:00 a.m. and 8:00 p.m., ET, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, participants are requested not to include copyrighted materials in their submission, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue a separate Order designating the time and place of any hearings, as appropriate. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days after issuance of the Confirmatory Order without further order or proceedings. If an extension of timefor requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

Dated at Lisle, Illinois this 21st day of December, 2015.

For the Nuclear Regulatory Commission.

Cynthia D. Pederson

Regional Administrator.

[FR Doc. 2016–00322 Filed 1–8–16; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2015–75; Order No. 2979]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning a modification to a Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* January 12, 2016.

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

On January 4, 2016, the Postal Service filed notice that it has agreed to a modification to the existing Global Expedited Package Services 3 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the modification and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5.

The Postal Service asserts that the modification revises a few articles and replaces Annex 1 to the agreement. *Id.* at 1. The Postal Service also seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. *Id.* at 1–2.

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than January 12, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2015–75 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth R. Moeller to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than January 12, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–00243 Filed 1–8–16; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of the United States Postal Service of Filing Modification to Global Expedited Package Services 3 Negotiated Service Agreement, January 4, 2016 (Notice).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76829; File No. SR–BX–2015–086]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Retail Price Improvement Program

January 5, 2016.

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 22, 2015, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been 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

BX is proposing change to amend BX Rule 4780, which governs the Exchange's Retail Price Improvement Program (''Retail Program''), to distinguish between retail orders routed on behalf of other broker-dealers and retail orders that are routed on behalf of introduced retail accounts that are carried on a fully disclosed basis, as further described below.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend BX Rule 4780, which governs the Exchange's Retail Program,[3] to distinguish between orders routed on behalf of other broker-dealers and orders routed on behalf of introduced retail accounts that are carried on a fully disclosed basis, as further described below.

The Exchange established the Retail Program in an attempt to attract retail order flow to the Exchange, primarily by offering pricing incentives. Under the Retail Program, Retail Member

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange adopted the Retail Program as BX Rule 4780 in 2014. *See* Securities Exchange Act Release No. 73702 (November 28, 2014), 79 FR 72049 (December 4, 2014) (SR–BX–2014–048).

Organizations [4] are permitted to submit Retail Orders,[5] and receive rebates for added liquidity that are higher than the exchanges [sic] standard rebates for added liquidity.[6] In addition, RMOs may optionally designate Retail Orders to be identified as Retail on the Exchange's proprietary data feeds.[7]

Exchange Rule 4780(b)(1) currently states that ''[t]o qualify as a Retail Member Organization, a Member must conduct a retail business or *handle* retail orders on behalf of another broker-dealer.'' [8] Rather than stating that one way to qualify as an RMO is to *handle* retail orders on behalf of another broker-dealer, the Exchange proposes to state that a Member may qualify as an RMO if it ''routes'' retail orders on behalf of another broker-dealer. The Exchange believes that providing routing services on behalf of other broker-dealers with retail order flow was the intended meaning of the provision and that the term ''handle'' is vague. Thus, the Exchange believes that the description would be better if it referred to routing services provided to another broker-dealer with retail customers. The Exchange also proposes to distinguish such routing services on behalf of another broker-dealer from services provided by broker-dealers that carry retail customer accounts on a fully disclosed basis, as described below.

As background with respect to the proposed change, the Exchange first would like to describe the terms ''introducing broker'', ''carrying firm'' or ''carrying broker-dealer'', and ''fully disclosed,'' as such terms are commonly used in the securities industry. An ''introducing'' broker-dealer is ''one that has a contractual arrangement with another firm, known as the carrying or clearing firm, under which the carrying firm agrees to perform certain services for the introducing firm. Usually, the introducing firm submits its customer accounts and customer orders to the carrying firm, which executes the orders and carries the account. The carrying firm's duties include the proper disposition of the customer funds and securities after the trade date, the custody of customer securities and funds, and the recordkeeping associated with carrying customer accounts.'' [9]

Further, a ''fully disclosed'' introducing arrangement is ''distinguished from an omnibus clearing arrangement where the clearing firm maintains one account for all the customer transactions of the introducing firm. In an omnibus relationship, the clearing firm does not know the identity of the customers of the introducing firm. In a fully disclosed clearing arrangement, the clearing firm knows the names, addresses, securities positions and other relevant data as to each customer.'' [10]

With respect to a broker-dealer that is routing on behalf of another broker-dealer, the Exchange does not believe that the routing broker-dealer has sufficient information to assess whether orders are truly retail in nature, and thus, requires an RMO routing on behalf of other broker-dealers to maintain additional supervisory procedures and obtain annual attestations, as described below, in order to submit Retail Orders to the Exchange. In contrast, however, if a broker-dealer is carrying a customer account on a fully disclosed basis, then such carrying broker-dealer is required to perform certain diligence regarding such account that the Exchange believes is sufficient to assess whether a customer is a retail customer in order to submit orders on behalf of such a customer to the Exchange as a Retail Order. The carrying broker of an account typically handles orders from its retail customers that are ''introduced'' by an introducing broker. However, as noted above, in contrast to a typical routing relationship on behalf of another broker- dealer, a carrying broker does obtain a significant level of information regarding each customer introduced by the introducing broker. Accordingly, the Exchange proposes to state in BX Rule 4780(b)(1) that for purposes of BX Rule 4780, ''conducting a retail business shall include carrying retail customer accounts on a fully disclosed basis.''

BX Rule 4780(b)(6) currently states, in part, that ''[i]f a Retail Member Organization represents Retail Orders from another broker-dealer customer, the Retail Member Organization's supervisory procedures must be reasonably designed to assure that the orders it receives from such broker-dealer customer that it designates as Retail Orders meet the definition of a Retail Order.'' This includes obtaining attestations from the other broker-dealers for whom the RMO routes. In addition to the proposed changes to BX Rule 4780(b)(1) described above, the Exchange proposes to modify the language of BX Rule 4780(b)(6) to again distinguish between an RMO that conducts a retail business because it carries accounts on a fully disclosed basis from an RMO that routes orders on behalf of another broker-dealer. As proposed, the additional attestation requirements of BX Rule 4780(b)(6) would apply to an RMO that does not itself conduct a retail business but routes Retail Orders on behalf of other broker-dealers. In turn, such attestation requirements would not apply to an RMO that carries retail customer accounts on a fully disclosed basis. In connection with this change, the Exchange is proposing various edits to the existing rule text so that the reference is consistently to ''other broker-dealers'' rather than ''broker-dealer customers.''

The Exchange believes that allowing an RMO that carries retail customer accounts on a fully disclosed basis to submit Retail Orders to the Exchange without obtaining attestations from broker-dealers that might introduce such accounts will encourage participation in the Retail Program. As noted above, the Exchange believes that the carrying broker has sufficient information to itself confirm that orders are Retail Orders without such attestations. The Exchange still believes it is necessary to require the attestation by broker-dealers that route Retail Orders on behalf of other broker-dealers, because, in contrast, such broker-dealers typically do not have a relationship with the retail customer and would not be in position to confirm that such customers are in fact retail customers.

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[11] in general, and with Section 6(b)(5) of the Act,[12] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative

[4] A Retail Member Organization is a Member (or a division thereof) that has been approved by the Exchange under BX Rule 4780 to submit Retail Orders.

[5] A Retail Order is an agency order, or riskless principal order that satisfies the criteria of FINRA Rule 5320.03. The Retail Order must reflect trading interest of a natural person with no change made to the terms of the underlying order of the natural person with respect to price (except in the case of a market order that is changed to a marketable limit order) or side of market and that does not originate from a trading algorithm or any other computerized methodology.

[6] *See* BX Rule 7018.

[7] *See* BX Rule 4780(f).

[8] Emphasis added.

[9] *See* Securities Exchange Act Release No. 31511 (Nov. 24, 1992), 57 FR 56973 (December 2, 1992).

[10] *Id.*

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(5).

acts and practices because it highlights the parties for whom additional procedures are required because they do not maintain relationships with the end customer (*i.e.,* routing brokers) and still requires the RMO to follow such procedures to ensure that such orders qualify as Retail Orders. As proposed, however, an RMO would not be required to follow such procedures, including obtaining annual attestations, to the extent such RMO actually knows the end customer and carries the account of such customer and thus can itself confirm that the orders qualify as Retail Orders.

The Exchange believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system because it will allow RMOs that carry retail customer accounts to participate in the Program without imposing additional attestation requirements that the Exchange did not initially intend to impose upon them. By removing impediments to participation in the Program, the proposed change would permit expanded access of retail customers to the Program.

B. Self-Regulatory Organization's Statement on Burden on Competition

BX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange believes that the amendment, by increasing the level of participation in the Program, will increase the level of competition around retail executions. The Exchange believes that the transparency and competitiveness of operating a program such as the Program on an exchange market would result in better prices for retail investors and benefits retail investors by expanding the capabilities of Exchanges to encompass practices currently allowed on non-exchange venues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

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) [13] of the Act and Rule 19b–4(f)(6) thereunder.[14] Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest, (ii) impose any significant burden on competition, and (iii) become operative for 30 days after its filing date, 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 19(b)(3)(A) [15] of the Act and Rule 19b–4(f)(6) thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–BX–2015–086 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–BX–2015–086. 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–BX–2015–086, and should be submitted on or before February 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00253 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76833; File No. SR–NASDAQ–2015–159]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change To Implement Additional Price Protections in the Opening Process

January 5, 2016.

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 23, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to add new paragraph (F) to Rule 4752(d)(2), concerning the opening process.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to enhance the price protections provided by Rule 4752(d) in the operation of Nasdaq Opening Cross, Nasdaq's process for opening the market for trading System securities.

Background

Rule 4752 concerns Nasdaq's opening process and paragraph (d) of the rule sets forth the processing of the Opening Cross. Specifically, the rule provides that the Opening Cross is initiated at 9:30 a.m. ET, at which time the System attempts to open a security at the price that maximizes the number of shares of MOO,[3] LOO,[4] OIO,[5] Early Market Hours orders,[6] and executable quotes and orders to be executed in the Nasdaq Market Center.[7] If the System determines that more than one price exists that would maximize such quotes and orders to be executed, the Opening Cross will occur at the price that minimizes any Imbalance.[8] If the System determines that more than one price exists that would minimize an Imbalance, the Opening Cross will occur at the entered price at which shares will remain unexecuted in the cross.[9] If the System determines that more than one price exists whereby shares will remain unexecuted in the cross, the Opening Cross will occur at the price that minimizes the distance from the bid-ask midpoint of the inside quotation prevailing at 9:30 a.m.[10]

When the Opening Cross price is calculated, Nasdaq applies a boundary within which the cross must execute to ensure that the price derived does not exceed a price reasonably tied to the prevailing market at the time. Specifically, Nasdaq applies a percentage based threshold (''Threshold Percentage'') to a benchmark (''Benchmark Value'') that, when applied to an individual security, determines the price range that a security may cross (''Threshold Range''), outside of which the opening price of a security may not occur.[11] If an Opening Cross price of a security would otherwise be outside of the Threshold Range, Nasdaq will adjust the Opening Cross price of the security to a price within the Threshold Range that best satisfies the normal process for determining the Opening Cross price.[12] This change happens automatically prior to execution of the Opening Cross, and does not involve any human intervention. All unexecuted shares designated to expire upon the conclusion of the Opening Cross,[13] including those that fall outside of the Threshold Range, are cancelled.

The Threshold Percentage and Benchmark Value are set by Nasdaq officials in advance and communicated to Participants.[14] Nasdaq may adjust the Threshold Percentage based on Nasdaq's experience with the Opening Cross and on unusual market conditions, such as certain options and derivatives expiration days that are heavily affected by the opening price of Nasdaq securities. Nasdaq publishes the Benchmark Value and Threshold Percentages via its public NasdaqTrader Web site, and sets the Threshold Percentage so that repricing of a security is rare.[15] Currently, Nasdaq applies a Threshold Percentage of 10%, which is applied to the Nasdaq Best Bid and Offer (''QBBO'') midpoint and is added to the Nasdaq Offer and subtracted from the Nasdaq Bid to establish the threshold price range. For example, if the QBBO is $10.00 × $11.00, then the midpoint equals 10.50 and the Threshold Percentage is 10%, resulting in a threshold value of $1.05 (10% of $10.50 = $1.05). This value is then added to the offer and subtracted from the bid to obtain the cross's threshold range. In this example, it would result

[3] A ''Market On Open'' or ''MOO'' order is an Order Type entered without a price that may be executed only during the Nasdaq Opening Cross. Generally, MOO Orders may be entered, cancelled, and/or modified between 4 a.m. ET and immediately prior to 9:28 a.m. ET. An MOO Order may not be cancelled or modified at or after 9:28 a.m. ET. An MOO Order shall execute only at the price determined by the Nasdaq Opening Cross. *See* Rule 4702(b)(8).

[4] A ''Limit On Open Order'' or ''LOO Order'' is an Order Type entered with a price that may be executed only in the Nasdaq Opening Cross, and only if the price determined by the Nasdaq Opening Cross is equal to or better than the price at which the LOO Order was entered. Subject to the qualifications provided below [sic], LOO Orders may be entered, cancelled, and/or modified between 4 a.m. ET and immediately prior to 9:28 a.m. ET. *See* Rule 4702(b)(9).

[5] An ''Opening Imbalance Only Order'' or ''OIO Order'' is an Order Type entered with a price that may be executed only in the Nasdaq Opening Cross and only against MOO Orders, LOO Orders, or Early Market Hours Orders (as defined in Rule 4752). OIO Orders may be entered between 4:00 a.m. ET until the time of execution of the Nasdaq Opening Cross, but may not be cancelled or modified at or after 9:28 a.m. ET. If the entered price of an OIO Order to buy (sell) is higher than (lower than) the highest bid (lowest offer) on the Nasdaq Book, the price of the OIO Order will be modified repeatedly to equal the highest bid (lowest offer) on the Nasdaq Book; provided, however, that the price of the Order will not be moved beyond its stated limit price. *See* Rule 4702(b)(10).

[6] An Early Market Hours Order is a Market Hours Order that is entered into the system prior to 9:28 a.m. and which is treated as an Opening Imbalance Only order [sic], as appropriate, for the purposes of the Nasdaq Opening Cross. A Market Hours Order is any order that may be entered into the system and designated with a time-in-force of MIOC, MDAY, MGTC. *See* Rule 4752(a)(7). *See also* Rules 4703(a) for a discussion of the Time in Force Order attribute, including MIOC, MDAY, and MGTC.

[7] *See* Rule 4752(d)(2)(A).

[8] *See* Rule 4752(d)(2)(B).

[9] *See* Rule 4752(d)(2)(C).

[10] *See* Rule 4752(d)(2)(D).

[11] *See* Rule 4752(d)(2)(E).

[12] *See* Rules 4752(d)(2)(A)–(D).

[13] These are: MOO, LOO, OIO, and Early Market Hours Orders designated to participate in the Opening Cross. Prior to the Opening Cross, the Exchange maintains a continuous order book and an Opening Cross order book. Orders in the Opening Cross order book may execute only in the Opening Cross process, while Orders in the continuous book may execute during pre-market hours trading, in the Opening Cross, or in regular market hours trading if the Order has a time-in-force that will allow it to remain active.

[14] As defined by Rule 4701(c).

[15] *See http://www.nasdaqtrader.com/content/ProductsServices/Trading/Crosses/openclose_faqs.pdf.*

in a lower threshold of $8.95 ($10.00 − $1.05 = $8.95) and an upper threshold of $12.05 ($11.00 + $1.05 = $12.05), thus creating a range of $8.95 to $12.05, within which the cross can occur. This means $8.95 is the lowest price at which the cross can occur and $12.05 is the highest price at which it can occur. The threshold range is dynamic; as the QBBO changes, the threshold price range changes.

The current price adjustment process under Rule 4752(d)(2)(E) is effective at ensuring the opening price of a security is within a certain range of the QBBO immediately prior to the initiation of the cross in the security; however, the current process does not prevent a cross from occurring at an erroneous price caused by an order or quote entered into the continuous pre-market trading book by a Participant in error that significantly skews the Opening Cross price of a security. This scenario could cause the QBBO to be excessively wide, with one side of the bid/offer significantly distant from the normal range and not representative of the true interest in the security. Nonetheless, the price adjustment process under Rule 4752(d)(2)(E) would allow the Opening Cross price to be set at an erroneous level because it would set the Benchmark Value at the midpoint between the erroneously-priced side of the market and the non-erroneously priced contra side. To illustrate, assume an extreme example as follows: if a security has a bid of $10 set by an Order to buy 100 shares at $10 in pre-market trading with no offer interest until 9:29 a.m., when a Participant erroneously enters an Order to sell 100 shares at $1100, under the current opening process the Benchmark Value of that security would be the midpoint price of $555, which would create a threshold range of $0.0001 by $1155.50.[16] Under such extreme circumstances a mispriced open could occur, in which case the parties to an erroneous execution would have to avail themselves of the clearly erroneous trade nullification process of Rule 11890.[17]

New Protection

Nasdaq is proposing an additional price protection process designed to avoid mispriced Opening Crosses and the use of the clearly erroneous post-trade nullification process. Once a security has an Opening Cross price set based on the process under Rule 4752(d)(2)(A)–(E), Nasdaq will require the security to pass at least one of three new ''tests'' in order for the Opening Cross to occur. If a security does not pass any of the three tests no Opening Cross will occur in that security, all Orders in the Opening Cross [18] will be cancelled back to the Participants, and regular market hours trading will begin.

The three new tests compare the Opening Cross price as calculated under the current rule to a reference price to ensure that the Opening Cross price is reasonably related to the market and not the product of erroneous Order entry. The reference price range is calculated under each test by applying a threshold set by Nasdaq officials in advance and communicated to Participants (''Price Test Thresholds''). The Price Test Thresholds, like the current Threshold Percentage, will be published via Nasdaq's public NasdaqTrader Web site. Nasdaq may apply different Price Test Thresholds to each of the Opening Cross Price Tests. The Price Test Threshold is applied to different measures under each of the new tests to calculate the range within which the Opening Cross price must fall to pass the test (''Price Test Threshold Range''). Nasdaq is initially setting each of the Price Test Thresholds uniformly at the greater of $0.50 or 10%; however, Nasdaq may adjust the Price Test Thresholds independently of one another.

Opening Cross Price Test A requires the Opening Cross price of a Nasdaq listed security, other than newly-listed Exchange Traded Products (''ETPs''), to be within a Price Test Threshold Range established by adding and subtracting the Price Test Threshold from the security's prior day Nasdaq Official Closing Price (''NOCP''). Non-Nasdaq listed securities must have an Opening Cross price within a Price Test Threshold Range established by adding and subtracting the Price Test Threshold from the security's prior day consolidated closing price. Unlike newly-listed company stocks that begin trading at some point after the stock market has opened, newly-listed ETPs usually begin trading in the premarket session prior to regular market hours trading on the security's initial day of trading and do not have a prior day's consolidated closing price. For such securities, the Price Test Threshold Range is established by adding and subtracting the Price Test Threshold from the offering price. If the Nasdaq Opening Cross price is higher or lower than the Price Test Threshold Range established under this test, or if a non-ETP Nasdaq listed security does not have a previous day's closing price,[19] the security fails the test and Opening Cross Price Test B is performed.

Opening Cross Price Test B requires the Opening Cross price of a security to be within a Price Test Threshold Range established by adding and subtracting the Price Test Threshold from the security's Nasdaq last sale (either round or odd lot) occurring after 9:15 a.m. ET but prior to the Opening Cross. If the Opening Cross price is higher or lower than the Price Test Threshold Range established under this test, or if there is no Nasdaq last sale,[20] the security fails the test and Opening Cross Price Test C is performed.

Opening Cross Price Test C requires the Opening Cross price to fall within the Price Test Threshold Range established by adding and subtracting the Price Test Threshold from the Nasdaq best bid (for Opening Cross prices that would be higher than the security's closing price as established in Test A) or Nasdaq best offer (for opening cross prices that would be lower than the security's closing price as established in Test A). For purposes of this test, if a security does not have a NOCP or consolidated closing price, as applicable, for the previous trading day Nasdaq will use a price of $0. If the Nasdaq Opening Cross price is higher or lower than the Opening Cross price range established under this test all Orders in the Opening Cross [21] will be cancelled back to Participants, no Opening Cross will occur, and the security will open for regular market hours trading.

Using the example above where the QBBO is $10 × $11 and Opening Price Range is $8.95 to $12.05, if the Opening Cross price is calculated to be $10.50 then the security would move on to the Opening Cross eligibility test process. Under Opening Cross Price Test A, if the security had a NOCP of $12.50 then the Price Test Threshold used would be 10% (10% of $12.50 = $1.25, which is greater than $0.50) and the Price Test Threshold Range would be $11.25 to $13.75 ($12.50 − $1.25 = $11.25 and

[16] The Exchange will not allow the lower threshold to be a negative amount and will set the lower range value to the lowest value possible, which is $0.0001.

[17] The terms of a transaction executed on Nasdaq are ''clearly erroneous'' when there is an obvious error in any term, such as price, number of shares or other unit of trading, or identification of the security. A transaction made in clearly erroneous error and cancelled by both parties or determined by Nasdaq to be clearly erroneous will be removed from the consolidated tape. *See* Rule 11890(a)(1).

[18] *See* note 13 above. Orders entered in the continuous book eligible to trade in the pre-market session prior to the opening of the security would not be cancelled but would rather continue to rest on the continuous book for potential participation in regular market hours trading.

[19] For example, a security may not have a NOCP due to a unit separation.

[20] A security may not have a Nasdaq last sale because there was no trading in the security during the premarket session.

[21] *See* note 18 above.

$12.50 + $1.25 = $13.75). Because the Opening Cross price is less than the lower threshold ($10.50 < $11.25), the security fails Opening Cross Price Test A and Opening Cross Price Test B is performed.

Under Opening Cross Price Test B, if the last sale at 9:20 a.m. is $11.90, the Price Test Threshold would be 10% (10% of $11.90 = $1.19, which is greater than $0.50) and the Price Test Threshold Range would be $10.71 to $13.09 ($11.90 − $1.19 = $10.71 and $11.90 + $1.19 = $13.09). Because the Opening Cross price is less than the lower threshold ($10.50 < $10.71), the security fails Opening Cross Price Test B and Opening Cross Price Test C is performed.

Under Opening Cross Price Test C, since the Opening Cross price is lower than the NOCP ($10.50 < $12.50), the QBBO offer price of $11 would be used to calculate the Price Test Threshold Range, which would result in a Price Test Threshold of 10% (10% of $11 = $1.10, which is greater than $0.50) and a Price Test Threshold Range of $9.90 to $12.10 ($11 − $1.10 = $9.90 and $11 + $1.10 = $12.10). Because the Opening Cross price is within the Price Test Threshold Range, the security passes the test and the Opening Cross may proceed.

Accordingly, these new protections will mitigate situations in which the Opening Cross price may be erroneous. As a result, the changes will support fair and orderly markets.

Implementation

Nasdaq is proposing to implement the proposed change in a measured approach over the course of approximately four weeks. Although Nasdaq does not foresee any technical issues with implementation of the proposed changes, they affect a fundamental process in the operation of an orderly market. As a result, the Exchange believes it should implement the changes in stages. The Exchange will use a rollout schedule that will start with a small number of securities (*e.g.,* 5–50) with each stage increasing the number of securities to be rolled out. The implementation details will be published via an Exchange Trader Alert and be posted on the NasdaqTrader Web site. The Exchange believes that this measured approach will minimize risk to the overall market.

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.[22] Specifically, the proposal is consistent with Section 6(b)(5) of the Act,[23] 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.

The Exchange believes that the proposed change will promote just and equitable principles of trade because it will implement a process designed to prevent Opening Crosses to occur [sic] at erroneous prices. As explained, under the current process an erroneous order or quote may significantly skew the current Benchmark Value that is used to create a boundary for the Opening Cross Price. This may then lead to the Opening Cross price would result [sic] in a temporary price dislocation from normal pricing and typically the use of the clearly erroneous trade nullification process under Rule 11890.

The Exchange considers that a better approach is to implement a system of tests, as proposed herein, that would not allow an erroneous order or quote affect the opening of a security. The proposed change, moreover, would mitigate the likelihood of an erroneous execution occurring in the Opening Cross, since all Orders in the Opening Cross would be cancelled. There would be no need then to use the clearly erroneous trade nullification process because no such trade would occur. Thus, the proposed rule change also protects investors, by avoiding erroneous transactions, which are disruptive to individual investors and the market overall.

The proposal also promotes just and equitable principles of trade and further perfects mechanism of fair and orderly markets in that it promotes transparency and uniformity in handling erroneous trades in the Opening Cross.

Finally, implementing the proposed changes in a phased approach promotes just and equitable principles of trade, further improves participating [sic] in fair and orderly markets, and serves to protect investors because it will limit the potential disruption to the market to a subset of the total number of securities in the opening cross should the Exchange experience a technical issue with the implementation.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change implicates any competitive issues. The proposed change implements changes that will benefit all market participants by avoiding Opening Prices that are not reasonably related to bona fide market interest. Avoiding such prices will ensure that the information on which market participants make investment decisions is accurate and representative of investors' interest. As such, the proposed changes should not place a burden on competition whatsoever.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be 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 No. SR–NASDAQ–2015–159 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 No. SR–NASDAQ–2015–159. 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

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(5).

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 No. SR–NASDAQ–2015–159, and should be submitted on or before February 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00249 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–440, OMB Control No. 3235–0496]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Appendix F to Rule 15c3–1.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Appendix F to Rule 15c3–1 (''Appendix F'' or ''Rule 15c3–1f'') (17 CFR 240.15c3–1f) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Appendix F requires a broker-dealer choosing to register, upon Commission approval, as an OTC derivatives dealer to develop and maintain an internal risk management system based on Value-at-Risk (''VaR'') models. It is anticipated that a total of one (1) broker-dealer registering as an OTC derivatives dealer will spend 1,000 hours on a one-time basis complying with the system development requirements of Rule 15c3–1f, for an estimated one-time initial startup burden of approximately 1,000 hours. Appendix F also requires the OTC derivatives dealer to maintain its system model according to certain prescribed standards. It is anticipated that the four (4) OTC derivatives dealers currently registered with the Commission will each spend 1,000 hours per year maintaining the system model required by Rule 15c3–1f, for an estimated recurring annual burden of approximately 4,000 hours. It is anticipated that the one (1) broker-dealer registering as an OTC derivatives dealer will spend 1,000 hours maintaining the system model required by Rule 15c3–1f in each year following its registration. Thus, the total industry-wide burden is estimated to be approximately 5,000 hours (4,000 hours + 1,000 hours) for the first year and 5,000 hours for each subsequent year.[1]

The records required to be kept pursuant to Appendix F and results of periodic reviews conducted pursuant to Rule 15c3–4 generally must be preserved under Rule 17a–4 of the Exchange Act (17 CFR 240.17a–4) for a period of not less than three years, the first two years in an easily accessible place. The Commission will not generally publish or make available to any person notices or reports received pursuant to the Rule. The statutory basis for the Commission's refusal to disclose such information to the public is the exemption contained in Section (b)(4) of the Freedom of Information Act (5 U.S.C. 552), which essentially provides that the requirement of public dissemination does not apply to commercial or financial information which is privileged or confidential.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: January 5, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00256 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

[1] The Commission estimates that a total of five entities will be registered as OTC derivatives dealers at the end of the next three years, consisting of the four current OTC derivatives dealers and one anticipated registrant. This is in contrast with the prior estimate of eight OTC derivatives dealers, consisting of four current OTC derivatives dealers and four anticipated registrants.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31952; File No. 812–14519]

Northern Lights Fund Trust, et al.; Notice of Application

January 4, 2016.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 12(d)(1)(A), (B), and (C) of the Act and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act. The requested order would permit certain registered open-end investment companies to acquire shares of certain registered open-end investment companies, registered closed-end investment companies, business development companies, as defined in section 2(a)(48) of the Act, and unit investment trusts (collectively, ''Underlying Funds'') that are within and outside the same group of investment companies as the acquiring investment companies, in excess of the limits in section 12(d)(1) of the Act.

Applicants: Northern Lights Fund Trust (the ''Trust''), a Delaware statutory

trust registered under the Act as an open-end management investment company with multiple series, Ascendant Advisors, LLC (''Ascendant'' or the ''Adviser''), a Texas limited liability company registered as an investment adviser under the Investment Advisers Act of 1940, and Northern Lights Distributors, LLC (the ''Distributor''), a Nebraska limited liability company registered as a broker-dealer under the Securities Exchange Act of 1934 (''Exchange Act'').

Filing Dates: The application was filed on July 23, 2015 and amended on December 9, 2015.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on Friday, January 29, 2016 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: c/o JoAnn Strasser, Esq., Thompson Hine LLP, 41 South High Street, Suite 1700, Columbus, Ohio 43215.

FOR FURTHER INFORMATION CONTACT: Kaitlin C. Bottock, Senior Counsel, at (202) 551–8658, or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order to permit (a) a Fund [1] (each a ''Fund of Funds'') to acquire shares of Underlying Funds [2] in excess of the limits in sections 12(d)(1)(A) and (C) of the Act and (b) each Underlying Fund that is a registered open-end investment company or series thereof, the Distributor or any principal underwriter and any broker or dealer registered under the Exchange Act to sell shares of the Underlying Fund to the Fund of Funds in excess of the limits in section 12(d)(1)(B) of the Act.[3] Applicants also request an order of exemption under sections 6(c) and 17(b) of the Act from the prohibition on certain affiliated transactions in section 17(a) of the Act to the extent necessary to permit the Underlying Funds to sell their shares to, and redeem their shares from, the Funds of Funds.[4] Applicants state that such transactions will be consistent with the policies of each Fund of Funds and each Underlying Fund and with the general purposes of the Act and will be based on the net asset values of the Underlying Funds.

2. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Such terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over an Underlying Fund that is not in the same ''group of investment companies'' as the Fund of Funds through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A), (B), and (C) of the Act.

3. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00210 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

[1] Applicants request that the order apply to each existing and future series of the Trust and to each existing and future registered open-end investment company or series thereof that is advised by Ascendant or its successor-in-interest or by any entity controlling, controlled by or under common control with Ascendant or its successor-in-interest and is part of the same ''group of investment companies'' as the Trust (each, a ''Fund''). For purposes of the requested order, ''successor-in-interest'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization. For purposes of the request for relief, the term ''group of investment companies'' means any two or more investment companies, including closed-end investment companies and business development companies, that hold themselves out to investors as related companies for purposes of investment and investor services.

[2] Certain of the Underlying Funds have obtained exemptions from the Commission necessary to permit their shares to be listed and traded on a national securities exchange at negotiated prices and, accordingly, to operate as exchange-traded funds (''ETFs'').

[3] Applicants do not request relief for the Funds of Funds to invest in business development companies or closed-end investment companies that are not listed on a national securities exchange.

[4] A Fund of Funds generally would purchase and sell shares of an Underlying Fund that operates as an ETF through secondary market transactions rather than through principal transactions with the Underlying Fund. Applicants nevertheless request relief from section 17(a) to permit a Fund of Funds to purchase or redeem shares from the ETF. A Fund of Funds will purchase and sell shares of an Underlying Fund that is a closed-end fund through secondary market transactions at market prices rather than through principal transactions with the closed-end fund. Accordingly, applicants are not requesting section 17(a) relief with respect to transactions in shares of closed-end funds (including business development companies).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76835; File No. SR–ISE–2015–44]

Self-Regulatory Organizations; International Securities Exchange; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish the Securities Trader and Securities Trader Principal Registration Categories

January 5, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

notice is hereby given that on December 23, 2015, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, of which Items I and II have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE proposes to codify, in the Supplementary Material to Rule 313 Registration Requirements, the categories of registration and respective qualification examinations required for individual associated persons (''associated persons'') that engage in the securities activities of members on the Exchange. Specifically, the Exchange proposes to (1) replace the Proprietary Trader registration category and the Series 56 Proprietary Trader registration qualification examination with the newly codified Securities Trader category of registration and the Series 57 Securities Trader registration qualification examination for Securities Traders respectively and (2) replace the Proprietary Trader Principal registration category with the newly codified registration category of Securities Trader Principal and require Securities Trader Principals to take the Series 57 qualification examination in addition to the Series 24 qualification examination. The Exchange also proposes to amend Rule 604, Continuing Education for Registered Persons, by deleting the rule text referring to the S501 continuing education program currently applicable to Proprietary Traders and replacing it with the S101, and replacing a reference to the Series 56 with the 57. Specifically, the Exchange proposes that Series 57 registered persons take the S101 General Program for Series 7 and all other registered persons. Finally, the Exchange proposes to amend Rule 604 to provide for Web-based delivery of the continuing education regulatory element for registered persons. The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 313 Registration Requirements. This amendment will replace the Proprietary Trader (PT) registration category and qualification examination (Series 56) with the newly codified Securities Trader (TD) registration category and qualification examination (Series 57). In addition, the Exchange proposes to replace the Proprietary Trader Principal (TP) registration category with the newly codified Securities Trader Principal (TP) registration category for associated persons who either: (i) Supervise or monitor proprietary trading, market-making and/or brokerage activities for broker-dealers; (ii) supervise or train those engaged in proprietary trading, market-making and/or effecting transactions on behalf of a broker-dealer, with respect to those activities; and/or (iii) are officers, partners or directors of a member, as described in paragraph in proposed paragraph (a) to .08 of Supplementary Material to Rule 313. The Exchange also proposes to replace the Proprietary Trader Compliance Officer (CT) registration category with the newly codified Securities Trader Compliance Officer (CT) registration category for Chief Compliance Officers (or individuals performing similar functions) of a member or member organization. This filing is, in all material respects, based upon SR–FINRA–2015–015 and 2015–017, and SR–C2–2015–027.[3]

Currently, Rule 313 requires, among other things, an associated person engaged or to be engaged in the securities business of a member to register with the Exchange in the category of registration appropriate to the function to be performed and to pass the qualification examination appropriate to the category of registration as prescribed by the Exchange. Among the qualification and registration requirements set forth by the Exchange, an associated person who engages in proprietary trading, market-making, or effecting transactions on behalf of a broker-dealer must register and qualify as a Proprietary Trader (PT) in WebCRD.[4] To qualify as a Proprietary Trader, an associated person must either pass the Series 56 Proprietary Trader qualification examination[5] or Series 7 General Securities Representative qualification examination. Several exchanges, including ISE currently use the Series 56 examination as a qualification standard.[6]

.07 of Supplementary Material to Rule 313 further requires that an associated person with supervisory responsibility over proprietary trading activities or who is an (i) officer; (ii) partner; (iii) director; (iv) supervisor of proprietary trading, market-making or brokerage activities; and/or (v) supervisor of those engaged in proprietary trading, market-making or brokerage activities with respect to those activities is required to register and qualify as a Proprietary Trader Principal (TP) in WebCRD and satisfy prerequisite registration and qualification requirements, including, but not limited to passing the Series 24 General Securities Principal

[3] *See* Securities Exchange Act Release No. 75581 (July 31, 2015), 80 FR 47018 (August 6, 2015) (SR–FINRA–2015–015); Securities Exchange Act Release No. 75783 (August 28, 2015), 80 FR 53369 (September 3, 2015) (SR–FINRA–2015–017); and Securities Exchange Act Release No. 76408 (November 10, 2015) (SR–C2–2015–027).

[4] WebCRD is a secure registration and licensing system operated by FINRA and is the central licensing and registration system for the U.S. securities industry and its regulators. The system contains the registration records of more than 6,500 registered broker-dealers, and the qualification, employment and disclosure histories of more than 650,000 active registered associated persons. In addition, Web CRD facilitates the processing and payment of FINRA registration-related fees such as form filings, fingerprint submissions, qualification exams and continuing education sessions.

[5] The Series 56 Proprietary Trader Examination is a two hour and thirty minute exam, consisting of 100 scored multiple-choice questions. The Series 56 examination is administered by FINRA, but is not recognized by FINRA as an acceptable qualification examination for associated persons engaged in securities trading. Under FINRA rules, associated persons of FINRA members that engage in over-the-counter securities trading are required to pass the Series 55 Equity Trader Exam. Nevertheless, as FINRA has recognized, because the Series 55 and Series 56 are intended to test the core knowledge required of associated persons engaged in trading activities as well as self-regulatory organization (''SRO'') rules, including trading rules that are common across all SROs, there is significant overlap in the content of the Series 55 and Series 56 qualification examinations. *See* Securities Exchange Act Release No. 75394 (July 8, 2015), 80 FR 41119 (Notice of Filing of a Proposed Rule Change to Establish the Securities Trader and Securities Trader Principal Registration Categories) (SR–FINRA–2015–017).

[6] *See, e.g.,* BATS Exchange, Inc. (''BATS'') Interpretation and Policy .01 to Rule 2.5 (Proficiency Examinations); Miami International Securities Exchange, LLC (''MIAX'') Rule 1302 (Registration of Representatives).

Examination or an acceptable alternative qualification examination. An associated person who is a Chief Compliance Officer (or performs similar functions) for a member that engages in proprietary trading, market-making, or effecting transactions on behalf of a broker-dealer is also required to register and qualify as a Proprietary Trader Compliance Officer (CT) in WebCRD and satisfy the prerequisite registration and qualification requirements, including, but not limited to passing the Series 14 Compliance Official Examination or an acceptable alternative qualification exam.

Codification of Examination and Registration Requirements

The Exchange proposes to replace the Series 56 qualification examination with the newly codified Series 57 qualification examination for those registration categories where the Series 56 is currently an acceptable qualification standard. Specifically, with respect to the Proprietary Trader registration, the Exchange proposes to replace the Proprietary Trader (PT) registration category with the newly codified Securities Trader (TD) registration category as well as eliminate the current Series 56 Proprietary Trader Exam prerequisite and, instead, include a Series 57 Securities Trader qualification examination in its place.[7] The Proprietary Trader Principal (PT) and Proprietary Trader Compliance Officer (CT) registration categories would be replaced with the newly codified renamed registration categories of Securities Trader Principal (TP) and Securities Trader Compliance Officer respectively (CT).[8]

The Exchange will announce the effective date of the proposed rule change in a Regulatory Circular. Currently, the Exchange intends for the effective date to be January 4, 2016. Under the proposed rule, associated persons who have passed the Proprietary Trader (Series 56) qualification examination and who have registered as a Proprietary Trader (PT) in WebCRD on or before the effective date of the proposed rule change, and associated persons who have passed the General Securities Representative (Series 7) qualification examination and who have registered as Proprietary Traders (PT) in WebCRD on or before the effective date of the proposed rule change, would be grandfathered as Securities Traders (TDs) without having to take any additional examinations and without having to take any other action, provided that the associated person's registration has not been revoked by the Exchange as a disciplinary sanction and no more than two years have passed between the date that the associated person last registered as a Proprietary Trader (PT) and the effective date. After the effective date, an associated person would need to pass the new Series 57 Securities Trader qualification examination and register as a Securities Trader (TD).

In addition, associated persons who have either passed the Proprietary Trader (PT) qualification examination or the General Securities Representative (Series 7) qualification examination and who have registered as Proprietary Traders (PT) in WebCRD on or before the effective date of the proposed rule change, and who have also passed the General Securities Principal (Series 24) qualification examination (or have completed any of the alternative acceptable qualifications requirements as defined in new .08 of Supplementary Material to Rule 313) and who have also registered as Proprietary Trader Principals (TP) in WebCRD on or before the effective date of the proposed rule change, would be eligible to register as Securities Trader Principals (TPs), provided that the associated person's registration has not been revoked by the Exchange as a disciplinary sanction and no more than two years have passed between the date that the associated person last registered as a Proprietary Trader Principal (TP) and the date they register as a Securities Trader Principal (TP).[9] After the effective date, a Securities Trader Principal (TP) would need to pass the Securities Trader (Series 57) qualification examination and the General Securities Principal (Series 24) qualification examination (or have completed any of the alternative acceptable qualifications as defined in new .08 of Supplementary Material to Rule 313) and be registered as such in order to register as a Securities Trader Principal (TP).[10]

Continuing Education Requirements

Persons registered in the new category would be subject to the continuing education requirements of Rule 604 Continuing Education for Registered Persons. The Exchange proposes to amend Rule 604 by removing the option for Series 56 registered persons to participate in the S501 Series 56 Proprietary Trader continuing education program in order to satisfy the Regulatory Element. The S501 Series 56 Proprietary Trader continuing education program is being phased out along with the Series 56 Proprietary Trader qualification examination. As a result, effective January 4, 2016, the S501 Series 56 Proprietary Trader continuing education program for Series 56 registered persons will cease to exist. In place of the S501 Series 56 Proprietary Trader continuing education program for Series 56 registered persons, the Exchange proposes that Series 57 registered persons be permitted to enroll in the S101 General Program for Series 7 and all other registered persons.

Delivery of Regulatory Element

The Exchange further proposes to provide for Web-based delivery of the Continuing Education Regulatory Element for registered persons. As proposed, Rule 604 would specify that the Continuing Education Regulatory Element set forth in the rule will be administered through Web-based delivery or such other technological manner and format as specified by the Exchange from and after January 4, 2016. Most registered persons currently complete the Regulatory Element in a test center and the remainder do so in-house. Given the advances in Web-based technology, the Exchange believes that there is diminishing utility in the test center and in-house Continuing Education delivery methods. The Exchange notes that the Web-based format will include safeguards to authenticate the identity of the Continuing Education Candidate. Moreover, according to FINRA, registered persons have raised concerns with the current test center delivery

[7] Neither the Exchange's current Rules nor the proposal would require that a Proprietary Trader or Securities Trader work at, or be associated with, a ''proprietary trading firm.'' Rather, both the current Rules and the proposal would require that an associated person that engages in proprietary trading, market-making, or effecting transactions on behalf of a broker-dealer qualify and register as a Proprietary Trader (or Securities Trader) in WebCRD. Whereas the current rule allows an associated person to qualify and register as a Proprietary Trader by either passing the Series 56 Proprietary Trader qualification examination or Series 7 General Securities Representative qualification examination, the proposal would require an associated person to pass the Series 57 Securities Trader qualification examination in order to qualify as a Securities Trader after the effective date of the proposal.

[8] As is the case under the current Rules, under the proposed rule, only individuals qualified and registered as a Proprietary Trader Principal (TP) (Securities Trader Principal TP)) would be permitted to supervise a Proprietary Trader (PT) (Securities Trader (TD)).

[9] *See* Rule 313(e) (Requirement for Examination on Lapse of Registration).

[10] As part of codifying this rule, the Exchange will include text .08 of Supplementary Material to Rule 313 regarding the supervisory responsibilities of the Securities Trader Principals, which would limit Securities Trader Principals' supervisory responsibilities to supervision of the securities trading functions of members as described in paragraph (a)(2) of .08 of Supplementary Material to Rule 313, and the activities of officers, partners, and directors of members.

method because of the travel involved, the limited time currently available to complete a Regulatory Element session, and the use of rigorous security measures at test centers, which are appropriate for taking qualification examinations, but onerous for a Continuing Education program.[11] Also, according to FINRA, the test center is expensive to operate.[12]

2. Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[13] in general, and furthers the objectives of Section 6(b)(5) of the Act[14] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange further believes its proposed rule change is consistent with Section 6(c) of the Act,[15] and in particular furthers the objectives of Section 6(c)(3) of the Act,[16] which authorizes the Exchange to prescribe standards of training, experience, and competence for associated persons. The Exchange believes that the requirements of the Securities Trader and Securities Trader Principal registration categories, the new Securities Trader qualification and continuing education requirement, as well as Web-based delivery of the continuing education requirement, should help ensure that proprietary traders and the principals who supervise proprietary traders and proprietary trading are, and will continue to be, properly trained and qualified to perform their functions which should protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Implementation of the proposed changes to ISE's registration rules in coordination with the FINRA Amendments does not present any competitive issues, but rather is designed to provide less burdensome and more efficient regulatory compliance for associated persons and enhance the ability of the Exchange to fairly and efficiently regulate associated persons, which will further enhance competition. Additionally, the proposed rule change should not affect intramarket competition because all similarly situated representatives and principals will be required to complete the same qualification examinations and maintain the same registrations. Finally, the proposed rule change does not impose any additional examination burdens on persons who are already registered. There is no obligation to take the proposed Series 57 examination in order to continue in their present duties, so the proposed rule change is not expected to disadvantage current registered persons relative to new entrants in this regard.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on 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 foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[17] and Rule 19b–4(f)(6) thereunder.[18] The Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the proposed rule change, or such shorter time as designated by the Commission, as required by Rule 19b–4(f)(6).

The Exchange has requested that the Commission waive the thirty-day operative delay so that the proposal may become operative as of January 4, 2016. The Commission believes that waiving the thirty day delay is consistent with the protection of investors and the public interest, as it will enable the Exchange to have the new requirements in effect at the same time as the other SROs. Therefore, the Commission hereby waives the thirty-day operative delay and designates the proposal operative as of January 4, 2016.[19]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *http://www.sec.gov/rules/sro.shtml);* or
- Send an Email to *rule-comments@sec.gov.* Please include File No. SR–ISE–2015–44 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–ISE–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 Commissions 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. Copies of such filing

[11] *See supra,* note 1.

[12] *Id.*

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78f(c).

[16] 15 U.S.C. 78f(c)(3).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6).

[19] For purposes of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2015–44 and should be submitted by February 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

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[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76826; File No. SR–NASDAQ–2015–164]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7014

January 5, 2016.

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 23, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to make two changes to Rule 7014.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to make two changes to Rule 7014. Rule 7014 provides the Exchange's Market Quality Incentive Programs. Nasdaq currently provides the following incentive programs under the rule: Investor Support Program, Qualified Market Maker Program, Lead Market Maker Program, and NBBO Program. The Exchange is proposing to add new rule text concerning what is not considered eligible displayed liquidity under the Investor Support Program and to add clarifying rule text to the NBBO Program.

First, the Exchange is adding new rule text to the Investor Support Program (''ISP'') under rule 7014(b) to state that Designated Retail Orders[3] are not included in the number of shares of displayed liquidity. The Investor Support Program enables Nasdaq member firms to earn a monthly fee credit for providing displayed liquidity to Nasdaq. Currently, there are three rates that a member firm may qualify for based on the execution price of the displayed liquidity and whether the shares of displayed liquidity were entered through an ISP-designated port. Subsequent to the adoption of the ISP Program,[4] Nasdaq adopted a new program under Rule 7018[5] to use financial incentives to encourage greater participation. The new program adopted liquidity provider credit tiers for orders designated by a member firm as Designated Retail Orders. Currently, Nasdaq has a single liquidity provider credit tier of $0.0034 per share executed provided for orders designated by a member firm as Designated Retail Orders.[6] Nasdaq has excluded Designated Retail Orders from the calculation of credits available under the NBBO Program, QMM Program, and the ISP Program, since those orders already receive a significant credit under Rule 7018(a). Similarly, Nasdaq excludes Designated Retail Orders from the credits provided for providing displayed quotes/orders for securities of all three tapes.[7] Unlike the NBBO Program and QMM Program rules, which reflect that Designated Retail Orders are not included in those programs' credits, Nasdaq neglected to amend the ISP Program rules to state that Designated Retail Orders are not considered in the calculation of the ISP credit. In adopting the Designated Retail Order credit tiers, Nasdaq intended to also exclude Designated Retail Orders from the calculation of credits available under the ISP Program, consistent with the other programs under the rule. Thus, Nasdaq is proposing to state in the rule that Designated Retail Orders are not included in the number of shares of displayed liquidity used to calculate credit received under the ISP Program.

Second, Nasdaq is proposing to add clarifying rule text to Rule 7014(g), which concerns the NBBO Program. The NBBO Program provides rebates per share executed with respect to all other displayed orders (other than Designated Retail Orders) in securities priced at $1 or more per share that provide liquidity and establish the NBBO. When Nasdaq adopted the rule, it neglected to note that the displayed quantity of the NBBO Program-qualifying order must be at least one round lot at the time of execution. An odd lot order of less than

[3] A ''Designated Retail Order'' is an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 and that originates from a natural person and is submitted to Nasdaq by a member that designates it pursuant to Rule 7018, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. An order from a ''natural person'' can include orders on behalf of accounts that are held in a corporate legal form—such as an Individual Retirement Account, Corporation, or a Limited Liability Company—that has been established for the benefit of an individual or group of related family members, provided that the order is submitted by an individual. Members must submit a signed written attestation, in a form prescribed by Nasdaq, that they have implemented policies and procedures that are reasonably designed to ensure that substantially all orders designated by the member as ''Designated Retail Orders'' comply with these requirements. Orders may be designated on an order-by-order basis, or by designating all orders on a particular order entry port as Designated Retail Orders. *See* Rule 7018.

[4] *See* Securities Exchange Act Release No. 63270 (November 8, 2010), 75 FR 69489 (November 12, 2010) (SR–NASDAQ–2010–141).

[5] *See* Securities Exchange Act Release No. 69133 (March 14, 2013), 78 FR 17272 (March 20, 2013) (SR–NASDAQ–2013–042).

[6] *See* Rule 7018(a).

[7] *See* Rule 7018(a)(1), (2) and (3).

100 shares is not displayed on the consolidated feeds, and thus is not able to set the NBBO. Although implied in the rule, the Exchange believes that adding clarifying language is appropriate. Consequently, the Exchange is adding rule text that makes it clear that the displayed quantity of the Order must be at least one round lot at time of execution.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposed change furthers these objectives because it clarifies what is required to receive the rebates in the case of the NBBO Program and states expressly that Designated Retail Orders are not considered in the calculation of the credit provided by the ISP Program. The Exchange does not propose to alter the operation of, or the specific criteria required to qualify under, the program. Rather, the Exchange is expressly stating criteria that may otherwise be reasonably implied, in the case of the NBBO Program, and that is consistent with the treatment of Designated Retail Orders by the other Market Quality Incentive Programs under Rule 7014 and credit tiers under Rule 7018(a), in the case of the ISP Program. With respect to the proposed change to the ISP Program, the Exchange is noting that Designated Retail Orders are not included in the number of shares of displayed liquidity used to calculate credit received under the ISP Program. As discussed, Designated Retail Orders are excluded from the calculations under the NBBO Program and QMM Program and from the credits provided for displayed quotes/orders under Rule 7018(a) because Nasdaq provides a substantial credit of $0.0034 per share executed for such orders. As such, member firms have understood that Designated Retail Orders are excluded from the calculation of the ISP Program credits. With respect to the proposed change to the NBBO Program, the Exchange is expressly stating what is reasonably implied as a precondition to set the NBBO, namely, that the minimum quantity must be no less than one round lot at time of execution. As such, these changes promote the protection of the investors and the public interest by more precisely stating and by clarifying the requirements of the programs, as they have been applied since these programs' adoption.

The Exchange also believes that the proposed change to the ISP Program is consistent with Section 6(b)(4) of the Act[10] in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls. Specifically, the proposed new rule text that states that the ISP Program credit will not be paid with respect to Designated Retail Orders is reasonable because those orders are already eligible to receive a high credit of $0.0034 per share executed. The change is consistent with an equitable allocation of fees because Nasdaq believes that the credit provided with respect to Designated Retail Orders provides sufficient incentive with respect to the market benefits associated with the orders in question, such that an additional credit is not warranted.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[11] The Exchange believes that the proposal is irrelevant to competition because it is not driven by, and will have no impact on, competition. Specifically, the proposal clarifies the application of Nasdaq's rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and subparagraph (f)(6) 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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–NASDAQ–2015–164 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–NASDAQ–2015–164. 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

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78f(b)(8).

[12] 15 U.S.C. 78s(b)(3)(a)(iii) [sic].

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–NASDAQ–2015–164 and should be submitted on or before February 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00255 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76822; File No. 4–443]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options To Add EDGX Exchange, Inc. (''EDGX'') as a Plan Sponsor

January 5, 2016.

Pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 608 thereunder,[2] notice is hereby given that on October 27, 2015, EDGX Exchange, Inc. (''EDGX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') an amendment to the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options (''OLPP'').[3] The amendment proposes to add EDGX as a Sponsor of the OLPP. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Description and Purpose of the Amendment

The current Sponsors of the OLPP are Amex, BATS, BOX, BX, CBOE, C2, ISE, MIAX, Nasdaq, NYSE Arca, OCC, Phlx, and Topaz. The proposed amendment to the OLPP would add EDGX as a Sponsor of the OLPP. A national securities exchange may become a Sponsor if it satisfies the requirement of Section 7 of the OLPP. Specifically an Eligible Exchange[4] may become a Sponsor of the OLPP by: (i) Executing a copy of the OLPP, as then in effect; (ii) providing each current Plan Sponsor with a copy of such executed Plan; and (iii) effecting an amendment to the OLPP, as specified in Section 7(ii) of the OLPP.

Section 7(ii) of the OLPP sets forth the process by which an Eligible Exchange may effect an amendment to the OLPP. Specifically, an Eligible Exchange must: (a) Execute a copy of the OLPP with the only change being the addition of the new sponsor's name in Section 8 of the OLPP;[5] and (b) submit the executed OLPP to the Commission. The OLPP then provides that such an amendment will be effective when it has been approved by the Commission or otherwise becomes effective pursuant to Section 11A of the Act. EDGX has submitted a signed copy of the OLPP to the Commission and to each Plan Sponsor in accordance with the procedures set forth in the OLPP regarding new Plan Sponsors.

II. Effectiveness of the Proposed OLPP Amendment

The foregoing proposed OLPP amendment has become effective pursuant to Rule 608(b)(3)(iii)[6] because it involves solely technical or ministerial matters. At any time within sixty days of the filing of this amendment, the Commission may summarily abrogate the amendment and require that it be refiled pursuant to paragraphs (a)(1) of Rule 608,[7] if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed amendment 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 4–443 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 4–443. 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

[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 242.608.

[3] On July 6, 2001, the Commission approved the OLPP, which was proposed by the American Stock Exchange LLC (''Amex''), Chicago Board Options Exchange, Incorporated (''CBOE''), International Securities Exchange LLC (''ISE''), Options Clearing Corporation (''OCC''), Philadelphia Stock Exchange, Inc. (''Phlx''), and Pacific Exchange, Inc. (n/k/a ''NYSE Arca''). *See* Securities Exchange Act Release No. 44521, 66 FR 36809 (July 13, 2001). *See also* Securities Exchange Act Release Nos. 49199 (February 5, 2004), 69 FR 7030 (February 12, 2004) (adding Boston Stock Exchange, Inc. as a Sponsor to the OLPP); 57546 (March 21, 2008), 73 FR 16393 (March 27, 2008) (adding Nasdaq Stock Market, LLC (''Nasdaq'') as a Sponsor to the OLPP); 61528 (February 17, 2010), 75 FR 8415 (February 24, 2010) (adding BATS Exchange, Inc. (''BATS'') as a Sponsor to the OLPP); 63162 (October 22, 2010), 75 FR 66401 (October 28, 2010) (adding C2 Options Exchange Incorporated (''C2'') as a sponsor to the OLPP); 66952 (May 9, 2012), 77 FR 28641 (May 15, 2012) (adding BOX Options Exchange LLC (''BOX'') as a Sponsor to the OLPP); 67327 (June 29, 2012), 77 FR 40125 (July 6, 2012) (adding Nasdaq OMX BX, Inc. (''BX'') as a Sponsor to the OLPP); 70765 (October 28, 2013), 78 FR 65739 (November 1, 2013) (adding Topaz Exchange, LLC as a Sponsor to the OLPP (''Topaz''); and 70764 (October 28, 2013), 78 FR 65733 (November 1, 2013) (adding Miami International Securities Exchange, LLC (''MIAX'') as a Sponsor to the OLPP).

[4] The OLPP defines an ''Eligible Exchange'' as a national securities exchange registered with the Commission pursuant to Section 6(a) of the Exchange Act, 15 U.S.C. 78f(a), that (1) has effective rules for the trading of options contracts issued and cleared by the OCC approved in accordance with the provisions of the Exchange Act and the rules and regulations thereunder and (2) is a party to the Plan for Reporting Consolidated Options Last Sale Reports and Quotation Information (the ''OPRA Plan''). EDGX has represented that it has met both the requirements for being considered an Eligible Exchange.

[5] The Commission notes that the list of plan sponsors is set forth in Section 9 of the OLPP.

[6] 17 CFR 242.608(b)(3)(iii).

[7] 17 CFR 242.608(a)(1).

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 EDGX's principal office. 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 No. 4–443 and should be submitted on or before February 1, 2016.

By the Commission.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00257 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76832; File No. SR–BATS–2015–119]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.22, Data Products, To Describe IPO Auction Viewer

January 5, 2016.

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 23, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.22 to describe a new market data product known as IPO Auction Viewer. The proposed rule change is based on Nasdaq Stock Market LLC's (''Nasdaq'') Rule 7015(j).[5]

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.22 describing a new market data product known as IPO Auction Viewer, which would be provided free of charge. IPO Auction Viewer would be a data feed that is available to designated associated persons of a Member[6] that is acting as the Stabilizing Agent for an IPO Security. ''IPO Security'' would be defined under proposed paragraph (l)(2)(A) to Exchange Rule 11.22 as ''a BATS listed security in an initial public offering for which the initial pricing procedures described in Rule 11.23(d) are available.''[7] The proposed rule change also adds to Rule 11.22(l) definitions of ''IPO Auction'', ''Stabilizing'', and ''Stabilizing Agent''. ''IPO Auction'' would be defined under proposed paragraph (l)(2)(B) as ''the initial pricing procedures described in Rule 11.23(d).'' ''Stabilizing'' would be defined under proposed paragraph (l)(2)(C) as ''Stabilizing as defined in Rule 100 of Regulation M of the Securities Exchange Act of 1934, including engaging in syndicate covering transactions.'' Lastly, ''Stabilizing Agent'' would be defined under proposed paragraph (l)(2)(D) as ''a Member that will engage in Stabilizing with respect to an IPO Security on the day of its initial public offering.''

IPO Auction Viewer would assist Members who are acting as a Stabilizing Agent in monitoring the orders they have entered for execution in the auction process for an IPO Security. The auction process under Exchange Rule 11.23(d) is designed to provide an orderly, single priced opening of securities subject to an intra-day halt, including securities that are the subject of an IPO. Prior to the execution of the auction process for an IPO Security (''IPO Auction''), Members enter orders eligible for participation in the IPO Auction, and the Exchange disseminates certain information regarding buying and selling interest and indicative execution price information. The quotation only period with respect to an IPO Auction currently commences fifteen (15) minutes plus a short random period prior to the IPO Auction (''Quote-Only Period'').[8] Coinciding with the beginning of the Quote-Only Period for a security and updated every five seconds thereafter, the Reference Price,[9] Indicative Price,[10] Auction Only Price,[11] and the lesser of Reference Buy Shares[12] and Reference Sell Shares[13] associated with the IPO Auction will be disseminated.[14] The IPO Auction executes and regular market trading commences in the IPO Security at the conclusion of the IPO Auction.[15] The representative of the underwriting syndicate that serves as lead underwriter also serves as the Stabilizing Agent for the IPO Security.

As discussed above, the Stabilizing Agent has responsibility for monitoring the submission of buying and selling interest into the IPO Auction and informing the Exchange when the IPO Security is ready to initiate trading. Thus, the Stabilizing Agent stands ready

[5] *See also* Securities Exchange Act Release No. 75863 (September 9, 2015), 80 FR 55406 (September 15, 2015) (SR–Nasdaq–2015–082) (Order Approving Proposed Rule Change to Introduce an Additional Data Element to the IPO Indicator Service).

[6] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[7] Exchange Rule 11.23(d) sets forth the Exchange's procedures for conducting an auction for a BATS listed security in an initial public offering.

[8] *See* Exchange Rule 11.23(a)(17).

[9] *See* Exchange Rule 11.23(a)(19).

[10] *See* Exchange Rule 11.23(a)(10).

[11] *See* Exchange Rule 11.23(a)(2).

[12] *See* Exchange Rule 11.23(a)(18).

[13] *See* Exchange Rule 11.23(a)(21).

[14] *See* Exchange Rule 11.23(d)(1) and (2).

[15] *See* Exchange Rule 11.23(d)(3).

during the course of the day to commit its capital in support of the IPO Security, buying from investors that wish to sell the IPO Security to realize short-term gains (or to minimize short-term losses). The Stabilizing Agent thereby serves to dampen volatility in the IPO Security and promote the maintenance of a fair and orderly market. Because the function performed by the Stabilizing Agent is unique on the day of the IPO, the Exchange has concluded that providing additional information about pre-opening interest in the stock to the Stabilizing Agent will help it to optimize the opening of the stock and manage its own risk, thereby assisting it in promoting a fair and orderly market for the IPO Security. Accordingly, the Exchange is proposing to introduce the IPO Auction Viewer, a specialized data product that will be made available solely to the Stabilizing Agent.

Access to the IPO Auction Viewer will be limited through a secure entitlement process to designated individuals employed by the Stabilizing Agent. On the day of an IPO, beginning with the start of the Quote-Only Period described in Exchange Rule 11.23(d)(1)(A) and ending upon the completion of the IPO Auction for an IPO Security, the IPO Auction Viewer will display aggregated buying and selling interest information for the IPO Security, reflecting all orders on the BATS Book, and consisting of the aggregate size of all orders at each permissible price level. The aggregated information provided through this data element would include all Eligible Auction Orders [16] and size. Information provided through the IPO Auction Viewer will be updated every five seconds, along with updates to the Reference Price, Indicative Price, Auction Only Price, and the lesser of Reference Buy Shares and Reference Sell Shares.[17] Access to IPO Auction Viewer shall terminate immediately upon the completion of the IPO Auction for the IPO Security.

The IPO Auction Viewer will provide no information other than that described above, unless the Exchange submits a proposed rule change to add additional data to it. In particular, the IPO Auction Viewer will not provide any information regarding Eligible Auction Orders other than in the aggregated format described above, and will not provide any information regarding the identity of Members posting orders. The Exchange believes that providing this information to the Stabilizing Agent will provide the Stabilizing Agent with insights into the scope of demand for, and supply of, the IPO Security, in a manner that will allow it to make more informed decisions about the appropriate time to initiate the opening of the IPO Security through the IPO Auction. In addition, the information will allow the Stabilizing Agent to respond in a more informed way to questions from its customers and other participants regarding expectations that an Order to buy or sell with a stated price and size may be executable in the IPO Auction. Finally, the information will assist the Stabilizing Agent in making decisions about the appropriate level of capital to commit to support the IPO Security once trading commences.

Once the IPO Auction executes, the IPO Auction Viewer will cease to be available, both with respect to the state of the BATS Book during the continuous market and with respect to retrospective information about the state of the BATS Book leading up to the IPO Auction. Thus, the Stabilizing Agent will not be provided with any information not available to other market participants once continuous market trading in the IPO Security commences.

Since the aggregated information provided through the IPO Auction Viewer is unique and directly available only to the Stabilizing Agent, the Exchange believes that it is appropriate to adopt safeguards in order to ensure that the aggregated information is not misused.[18] Accordingly, the Exchange's proposed rule will require the Stabilizing Agent receiving the IPO Auction Viewer to maintain and enforce written policies and procedures reasonably designed to achieve the following purposes:

- Restrict electronic access [19] to aggregated information only to associated persons of the Stabilizing Agent who need to know the information in connection with establishing the opening price of an IPO Security and Stabilizing the IPO Security;
- Except as may be required for purposes of maintaining books and records for regulatory purposes, prevent the retention of aggregated information following the completion of the IPO Auction for the IPO Security; and
- Prevent persons with access to aggregated information from engaging in transactions in the IPO Security other than transactions in the IPO Auction; transactions on behalf of a customer; or Stabilizing. Thus, for example, the Stabilizing Agent or its affiliates would not be permitted to use the information to engage in proprietary trading other than in support of bona fide Stabilizing activity.

However, for the avoidance of doubt regarding appropriate uses of the aggregated information, the proposed rule will also provide that nothing contained in the rule shall be construed to prohibit the Member acting as the Stabilizing Agent from (i) engaging in Stabilizing consistent with that role, or (ii) using the information provided from the IPO Auction Viewer to respond to inquiries from any person, including, without limitation, other Members, customers, or associated persons of the Stabilizing Agent, regarding the expectations of the Member acting as the Stabilizing Agent with regard to the possibility of executing stated quantities of an IPO Security at stated prices in the IPO Auction.

The aggregated information provided through the IPO Auction Viewer will be available solely for display on the screen of a computer for which an entitlement has been provided by the Exchange. Under no circumstances may a Member redirect aggregated information to another computer or reconfigure it for use in a non-displayed format, including, without limitation, in any trading algorithm. If a Member becomes aware of any violation of the restrictions contained in the proposed rule, it must report the violation promptly to the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[20] in general, and furthers the objectives of Section 6(b)(5) of the Act,[21] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that it is not designed to permit unfair discrimination among customers, brokers, or dealers.

The Exchange believes that the proposed rule change will promote the goals of the Act by assisting the

[16] *See* Exchange Rule 11.23(a)(8).

[17] *See* Exchange Rule 11.23(d)(1)(A).

[18] The Exchange notes that the usage of the information provided through the IPO Auction Viewer must be consistent with Regulation M, including *Commission Guidance Regarding Prohibited Conduct in Connection with IPO Allocations* (Securities Exchange Act Rel. No. 33–8565) (April 7, 2005).

[19] As discussed below, electronic access to the IPO Auction Viewer will be available on a displayed basis only.

[20] 15 U.S.C. 78f.

[21] 15 U.S.C. 78f(b)(5).

Stabilizing Agent for an IPO Security in promoting a fair and orderly market. Specifically, by providing unique, aggregated information concerning all orders on the BATS Book prior to the commencement of an IPO Auction, the IPO Auction Viewer will give the Stabilizing Agent information that will assist it in achieving a range of goals. Further, by being able to share aggregated information with other Members and customers, the Stabilizing Agent will enable greater participation in the IPO Auction because it will be able to provide more certain information about the ability of investors to execute orders at particular sizes and prices. Moreover, being able to compare information about potential interest in participating in the IPO Auction with more detailed information about the state of the BATS Book will enable the Stabilizing Agent to determine with more certainty the appropriate time to allow the IPO Auction to execute. Finally, having greater knowledge about the range of trading interest in the BATS Book prior to the execution of the IPO Auction will enable the Stabilizing Agent to make more informed decisions about the extent of capital it may need to commit after the commencement of trading in order to stabilize the price of the IPO Security and thereby dampen volatility that might undermine investor confidence.

The Exchange further believes that the restrictions it proposes to impose on the use of the IPO Auction Viewer will protect against possible misuse of the provided information. Notably, the information will be provided only prior to the completion of the IPO Auction and may not be retained thereafter, except to the extent necessary for record-retention purposes. The information will be disseminated in a display format only and may not be redirected or reconfigured for non-display usage (such as usage by a trading algorithm). Moreover, electronic access to the information will be available only to certain designated individuals with a role in conducting Stabilizing activities, and persons with access may not engage in transactions other than Stabilizing or transactions in the IPO Auction or on behalf of a customer. The Exchange further believes that the safeguards it proposes around the use of such aggregated information by its Members will provide added assurance to Members and the investing public that the IPO Auction Viewer will not be misused.

In addition, the Exchange notes that although the IPO Auction Viewer will be available only to Stabilizing Agents, this limitation is consistent with the protection of investors because the Stabilizing Agent plays a unique role on the day of an IPO because it must decide when the IPO Security should commence trading and must commit capital in support of the IPO Security once trading begins. Because the IPO Auction Viewer will assist the Stabilizing Agent in performing these functions, which are performed by no other broker, the Exchange believes that it is reasonable to limit access to the IPO Auction Viewer to the Stabilizing Agent. Moreover, because the IPO Auction Viewer will cease to be available once regular trading in the IPO Security commences and the information provided therein will quickly become stale, the Exchange does not believe that access to the information will provide the Stabilizing Agent with any unfair advantage.

The Exchange believes that the proposal to add certain defined terms to Rule 11.22(l) is consistent with the Act because the definitions are intended to promote a clear understanding of the rule text by delineating the products addressed by the rule and the scope of activities to which they pertain. The Exchange further believes that the proposal to make the IPO Auction Viewer available to eligible recipients at no charge is consistent with Section 6(b)(4) of the Act [22] because it will not result in any increase in the costs incurred by a Stabilizing Agent to receive the additional information. The Exchange further believes that the proposal is consistent with an equitable allocation of fees and not unfairly discriminatory because additional information is being provided to a limited group of potential users in order to assist in the promotion of fair and orderly markets during an IPO. Accordingly, the absence of an additional fee is designed to encourage eligible Members to accept the information in order to ensure that the goals of the proposal are advanced to the greatest extent possible.

Lastly, the Exchange notes that the proposed IPO Auction Viewer is based on Nasdaq's IPO Book Viewer, which was recently approved by the Commission.[23] However, the Exchange notes that while the proposed IPO Auction Viewer would be identical to Nasdaq's IPO Book Viewer in many respects, the products would differ in the following two ways. First, Nasdaq's IPO Book Viewer provides the total number of orders while the proposed IPO Auction Viewer would not but instead would only provide the number of shares. Second, the proposed IPO Action Viewer would group the aggregate size of all orders at each permissible price increment, while Nasdaq limits the grouping to price increments of $0.05, $0.10, or $0.25, depending on the election of the User. All other aspects of IPO Auction Viewer under Exchange Rule 11.22(l) would be identical to Nasdaq Rule 7015(j).

The Exchange views these differences as immaterial because the Exchange does not believe that either distinction would provide an inappropriate level of detail but rather that these differences are simply the result of different designs. Notwithstanding these differences, the Exchange believes the proposed IPO Auction Viewer would provide the Stabilizing Agent the necessary information to: (i) Enable greater participation in the IPO Auction because it will be able to provide more certain information about the ability of investors to execute orders at particular sizes and prices; (ii) compare potential interest in participating in the IPO Auction, enabling it to determine with more certainty the appropriate time to allow the IPO Auction to execute; and (iii) make more informed decisions about the extent of capital it may need to commit after the commencement of trading in order to stabilize the price of the IPO Security and thereby dampen volatility.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that by being able to share aggregated information with other Members and customers, the Stabilizing Agent will enable greater participation in the IPO Auction because it will be able to provide more certain information about the ability of investors to execute orders at particular sizes and prices, thus increasing competition. In addition, given that the proposal will result in a Stabilizing Agent's usage of the information being subject to greater restrictions, the Exchange does not believe that there can be any reasonable objection to the proposal on competitive grounds.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

[22] 15 U.S.C. 78f(b)(4).

[23] *See supra* note 5.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate it has become effective pursuant to Section 19(b)(3)(A) of the Act [24] and paragraph (f)(6) of Rule 19b–4 thereunder,[25] the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 No. SR–BATS–2015–119 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 No. SR–BATS–2015–119. 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 will also 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 No. SR–BATS–2015–119 and should be submitted on or before February 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00250 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

[24] 15 U.S.C. 78s(b)(3)(A).

[25] 17 CFR 240.19b–4.

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76824; File No. SR–CBOE–2015–118]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Credit Option Margin Pilot Program Through January 17, 2017

January 5, 2016.

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 23, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] 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

CBOE proposes to amend Rule 12.3 by extending the Credit Option Margin Pilot Program through January 17, 2017.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On February 2, 2011, the Commission approved the Exchange's proposal to establish a Credit Option Margin Pilot Program (''Program'').[5] The proposal became effective on a pilot basis to run on a parallel track with Financial Industry Regulatory Authority

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 63819 (February 2, 2011), 76 FR 6838 (February 8, 2011) order approving (SR–CBOE–2010–106). To implement the Program, the Exchange amended Rule 12.3(l), *Margin Requirements,* to make CBOE's margin requirements for Credit Options consistent with Financial Industry Regulatory Authority (''FINRA'') Rule 4240, *Margin Requirements for Credit Default Swaps.* CBOE's Credit Options (*i.e.,* Credit Default Options and Credit Default Basket Options) are analogous to credit default swaps.

(''FINRA'') Rule 4240 that similarly operates on an interim pilot basis.[6]

On January 17, 2012, the Exchange filed a rule change to, among other things, decouple the Program with the FINRA program and to extend the expiration date of the Program to January 17, 2013.[7] The Program, however, continues to be substantially similar to the provisions of the FINRA program. Subsequently, the Exchange filed rule changes to extend the program until January 17, 2014, January 16, 2015, and January 15, 2016, respectively.[8] The Exchange believes that extending the expiration date of the Program further will allow for further analysis of the Program and a determination of how the Program should be structured in the future. Thus, the Exchange is now currently proposing to extend the duration of the Program for an additional year until January 17, 2017. Additionally, the Exchange believes that it is in the public interest to extend the expiration date of the Program because it will continue to allow the Exchange to list Credit Options for trading. As a result, the Exchange will remain competitive with the Over-the-Counter market with respect to swaps and security-based swaps. In the future, if the Exchange proposes an additional extension of the Credit Option Margin Pilot Program or proposes to make the Program permanent, then the Exchange will submit a filing proposing such amendments to the Program.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule change will further the purposes of the Act because, consistent with the goals of the Commission at the initial adoption of the program, the margin requirements set forth by the proposed rule change will help to stabilize the financial markets. In addition, the proposed rule change is substantially similar to existing FINRA Rule 4240.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Program, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6)[13] thereunder.

In its filing the Exchange requested that the Commission waive the 30-day operative delay period after which a proposed rule change under Rule 19b–4(f)(6) becomes effective. Waiver of the 30-day operative delay would allow the Exchange to extend the pilot program prior to its expiration on January 15, 2016.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and public interest, as it will allow for the least amount of market disruption as the pilot will continue without interruption. For this reason, the Commission designates the proposed rule change to be operative upon filing.[14]

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 will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–118 on the subject line.

Paper Comments

- Send paper comments in triplicate to Robert W. Errett, Deputy Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–CBOE–2015–118. This file

[6] *See* Securities Exchange Act Release No. 59955 (May 22, 2009), 74 FR 25586 (May 28, 2009) (Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change; SR–FINRA–2009–012).

[7] *See* Securities Exchange Act Release No. 66163 (January 17, 2012), 77 FR 3318 (January 23, 2012) (SR–CBOE–2012–007).

[8] *See* Securities Exchange Act Release Nos. 68539 (December 27, 2012), 78 FR 138 (January 2, 2013) (SR–CBOE–2012–125), 71124 (December 18, 2013), 78 FR 77754 (December 24, 2013) (SR–CBOE–2013–123), and 73837 (December 15, 2014), 79 FR 75850 (December 19, 2014) (SR–CBOE–2014–091).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 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).

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–CBOE–2015–118 and should be submitted on or before February 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00259 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76825; File No. SR–NASDAQ–2015–162]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Nasdaq Rule 7015

January 5, 2016.

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 23, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[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

Nasdaq is proposing to amend Nasdaq Rule 7015 to clarify the connectivity options and application of the fees assessed thereunder.

The text of the proposed rule change is available at *nasdaq.cchwallstreet.com* [sic] at Nasdaq [sic] principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 7015 provides the charges Nasdaq assesses for equity securities market connectivity to systems operated by Nasdaq. Nasdaq is amending Rule 7015 in seven ways: (1) To clarify how Rule 7015 applies to FINRA systems; (2) to clarify the term ''port pair''; (3) to clarify QIX protocol connectivity options; (4) to clarify FIX protocol connectivity options; (5) to eliminate outdated CTCI connectivity options that rely on Nasdaq-supported circuits; (6) to eliminate CTCI connectivity as it relates to FINRA/NASDAQ Trade Reporting Facility; and (7) to add clarifying rule text and numbering to the section of the rule concerning other port fees.

First, Nasdaq is proposing to add clarifying language to the preamble of the rule. Specifically, Nasdaq is proposing to note that the various connectivity options under the rule include connectivity to systems operated by FINRA. Although Nasdaq believes that it is clear that some of the systems listed are operated by FINRA (*e.g.,* FINRA's OTCBB Service), the Exchange believes that expressly stating that the systems include those of FINRA will make the rule more clear. Nasdaq is also updating the list of FINRA systems that the connectivity options under the rule may connect to. Nasdaq notes that, from time to time, new systems are added by Nasdaq and FINRA, and Nasdaq is taking this opportunity to update the rule with all of the FINRA systems covered by the rule. As such, Nasdaq is updating the rule to include the FINRA Trade Reporting and Compliance Engine (''TRACE''), and the FINRA OTC Reporting Facility (''ORF'').

Second, Nasdaq is proposing to clarify the use of the term ''port pair,'' which is used inconsistently under the rule. For certain ports under Rule 7015 that are used for either trading or data, Nasdaq additionally provides a disaster recovery port at no cost. Such a disaster recovery port provides connectivity to Nasdaq's or FINRA's disaster recovery location in the event of a failure of Nasdaq's or FINRA's primary trading infrastructure. Nasdaq has provided disaster recovery ports at no cost since 2006 to encourage member firms to maintain such connectivity in the event of a market disruption so that the market as a whole could continue to operate.[3] As noted, Nasdaq has not used the term port pair consistently under the rule, whereby in certain cases, port pair is not noted in the rule yet Nasdaq provides a disaster recovery port nonetheless.[4] Accordingly, the Exchange is eliminating the term port pair and is clarifying the rule by specifically noting when a disaster recovery port is available for a particular protocol under a rule.[5]

Third, Nasdaq is reorganizing and adding language to subparagraph (a) of

[3] Although Nasdaq encourages all member firms and options participants to have and use disaster recovery ports and to participate in disaster recovery testing, the Exchange historically was unable to compel a member firm to connect to, or otherwise take the steps necessary to, use a disaster recovery port. Nasdaq recently adopted rules to require mandatory business continuity and disaster recovery plans testing by certain member firms and options participants, consistent with Regulation SCI. *See* Rule 1170; *see also* Securities Exchange Act Release No. 76368 (November 5, 2015), 80 FR 70045 (November 12, 2015) (SR–NASDAQ–2015–134). As a consequence, certain member firms will be required to use disaster recovery ports and participate in business continuity and disaster recovery plans testing.

[4] For example, a FIX Trading Port under Rule 7015(b).

[5] A disaster recovery port is available for QIX, FIX, and CTCI protocol ports under Rules 7015(a), (b), (c). Disaster recovery ports are also available for all of the ports available under Rule 7015(g)(2).

Rule 7015 to list all QIX connectivity provided by Nasdaq and to clarify that the fee assessed for QIX trading ports applies to ports that are used exclusively for FINRA connectivity. QIX is a proprietary messaging protocol that allows a member firm to send and receive messages relating to quotes and order entry. A QIX port may be used exclusively for connectivity to Nasdaq or to FINRA's OTCBB. Nasdaq assesses a fee of $1,200 per port,[6] per month for QIX connectivity to FINRA.[7] Thus, a member firm that wishes to connect to both Nasdaq and FINRA using the QIX protocol must have two separate ports. Nasdaq assesses a fee for QIX ports used exclusively for connectivity to facilities of FINRA, but not for ports used for connectivity to Nasdaq. As such, Nasdaq is adding new text that clarifies that the charge under the rule applies to QIX ports used for FINRA quoting and/or trading, and new language that clarifies that QIX ports used for Nasdaq quoting and/or trading are provided at no cost. Nasdaq is also eliminating the ECN direct connection port pair connectivity option from the rule as it is based on outdated technology and Nasdaq does not have any subscribers to it. Lastly, Nasdaq is deleting the existing rule text concerning unsolicited message ports and is adding new rule text making it clear that such ports are for FINRA connectivity.

Fourth, Nasdaq is proposing to add clarifying rule text to subparagraph (b) of the rule, which concerns fees assessed for FIX ports. A FIX port is a trading port using a FIX-based telecommunication protocol. FIX, an abbreviation for Financial Information eXchange, is a standard message protocol that defines an electronic message exchange for communicating securities transactions between two parties. Nasdaq offers four FIX-based trading ports, which vary based on messaging formats and capability. Nasdaq is proposing to list these four protocols under the rule that a member firm may select when subscribing to a FIX trading port. Similarly, Nasdaq is adding clarifying language to the FIX Port for Services Other than Trading subscription. A FIX Port for Services Other than Trading provides subscribers with a non-trading port that is used solely to report over the counter trades for tape reporting and/or clearing purposes. Nasdaq is proposing to list each venue to which a FIX Port for Services Other than Trading may connect a member firm. Lastly, Nasdaq is adding language to the rule noting that disaster recovery ports are available for FIX connectivity at no charge.

Fifth, Nasdaq is proposing to eliminate rule text under subparagraph (c) of the rule that concerns bandwidth-based connectivity options to connect to a CTCI station and related fees. The deleted table of fees concerns CTCI connectivity that relies on Nasdaq-supported circuits. These circuits are based on outdated technology and Nasdaq does not have any subscribers to any of these circuits. Member firms instead use third party connectivity to access their CTCI stations. Nasdaq is also adding language to the subparagraph noting that disaster recovery ports are available for CTCI station connectivity at no charge.

Sixth, Nasdaq is proposing to eliminate CTCI connectivity from subparagraph (e) of the rule, which concerns specialized services related to the FINRA/NASDAQ Trade Reporting Facility. Nasdaq is proposing to eliminate the connectivity option because this add on fee is directly related to the CTCI connectivity options Nasdaq is proposing to eliminate, rendering it moot.

Seventh, Nasdaq is proposing to add clarifying rule text and numbering to subparagraph (g) of the rule, which concerns other port fees. Subparagraph (g) contains all other connectivity options available that are not otherwise described in Rule 7015. These connectivity options include wireless connectivity (specifically Multicast Wave Ports), and other trading and telecommunications ports. Under the rule, the Exchange assesses a charge of $550 per month for each port pair, other than Multicast ITCH data feed pairs, for which the fee is $1,000 per month for software-based TotalView-ITCH or $2,500 per month for combined software- and hardware-based TotalView-ITCH, and TCP ITCH data feed pairs, for which the fee is $750 per month. The Exchange also assesses an additional charge of $200 per month for each port used for entering orders or quotes over the Internet. Lastly, the Exchange assesses an additional charge of $600 per month for each port used for market data delivery over the Internet. The Exchange is proposing to list each connectivity option provided under the rule and the related fee.

Under subparagraph (g) of the rule, a member firm may subscribe to other port pairs not otherwise noted in the rule. Such port pairs may be OUCH and RASH protocol ports or Drop ports. The Exchange is proposing to describe each of these options under the rule separately. Member firms may subscribe to trading ports, which are exclusively used for testing purposes. These ports may not be used for trading in securities in the System, and are provided at no cost. The Exchange is adding rule text noting that these test ports may be subscribed to under the rule. The Exchange also provides optional backup ports for OUCH port subscribers at no cost. OUCH backup ports are similar to disaster recovery ports; however, unlike disaster recovery ports that provide backup connectivity to the Exchange's disaster recovery location in Chicago, OUCH backup ports provide alternative port hardware in the event of a failure of the primary port hardware in the primary connectivity location in Carteret. The Exchange notes that OUCH ports have the largest number of subscribers and the hardware used for OUCH ports houses the largest number of member firms per hardware unit, therefore representing the greatest potential impact to the market should there be a hardware failure. Accordingly, the Exchange determined that offering OUCH backup ports will help ensure there is minimal market impact should there be an OUCH port hardware failure. The Exchange is adding OUCH backup ports as a service that may be subscribed to at no cost. The Exchange also provides data retransmission ports at no cost. Data retransmission ports allow a subscriber to replay market data, in the event the data was missed in live feed or for verification purposes. Data retransmission ports only allow replay of the current trading day and do not provide data concerning prior trading days' data. The Exchange is adding rule text noting that data retransmission ports may be subscribed to under the rule. The Exchange is also expressly noting that disaster recovery ports are available for the connectivity options under the rule at no cost. Lastly, the Exchange is proposing to eliminate the two subscription options and related fees provided under subparagraph (g) of the rule assessed for ports that are used for entering orders or quotes over the Internet, and ports that are used for market data delivery over the Internet. The Exchange notes that it is

[6] Unlike other protocols such as FIX, subscription to QIX provides three physical connections to either Nasdaq or FINRA. The QIX connectivity option is architected in this manner to increase throughput performance by separating unsolicited message streams from quote/order entry and response streams, and to separate a member firm's proprietary quote information from customer orders that are reflected in its quotes. For purposes of assessing a fee, the QIX trading functionality is deemed to be a single port.

[7] Under Rule 7015(a), a member firm may subscribe to a QIX trading port, and a QIX unsolicited message port. An unsolicited message port is not used for trading, but rather provides information concerning orders such as order status and execution reports.

eliminating these ports because they are outmoded means of connecting to the Exchange and neither have any subscribers.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls, and is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the clarifying changes to the rule protect investors and the public interest because they explicitly describe the fees assessed for all ports under the rule. Describing all services covered by the rule will serve to avoid investor confusion over the scope of what connectivity options are available, and the costs of such options. The Exchange notes that it is not adding new connectivity options or functionality, but is rather describing more specifically what is currently offered under the rule. In this regard, the Exchange is adding new rule text that describes all functionality available under each subparagraph of the rule, and is reorganizing some rule text under the rule in an effort to make the rule clearer. The Exchange notes that much of the new text concerns testing ports, and ports used in the event of a disaster or hardware failure. These ports help ensure that a fair and orderly market is maintained by allowing member firms to test their systems prior to connecting to the live trading environment, and to provide backup connectivity in the event of a failure or disaster. Thus, the Exchange believes the proposed clarifying changes are consistent with the protection of investors and the public interest.

The Exchange believes that the proposed deletion of the ECN direct connection port pair under Rule 7014(a) [sic], the deletion of the CTCI connectivity options under Rule 7014(c) [sic] and (e) [sic], as well as the deletion of the Internet-based port fees under Rule 7014(g) [sic], are reasonable, equitably allocated, and not unfairly discriminatory because there are no subscribers to these connectivity options, all of which are based on outmoded means of connecting to the Exchange. As a consequence, no member firms will be impacted by deletion of the connectivity options. The Exchange notes that it is not altering the charges assessed for the remaining connectivity options under Rule 7015.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, Nasdaq is making clarifying changes to Rule 7015, which does not impose any burden on competition whatsoever. To the contrary, the proposed change facilitates competition by clarifying what connectivity options are provided by the Exchange, thereby informing [sic] other market venues a better understanding of what connectivity options are available for Nasdaq. With that better understanding, other market venues may improve existing connectivity options or offer new connectivity options to compete with Nasdaq. Accordingly, the proposed changes do not inhibit market participants' ability to compete among each other, nor do they impose any burden on competition among market venues, but rather may promote competition among market venues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–NASDAQ–2015–162 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–NASDAQ–2015–162. 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

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] 15 U.S.C. 78s(b)(3)(a)(iii) [sic].

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–NASDAQ–2015–162 and should be submitted on or before February 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00260 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76823; File No. 4–546]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the Options Order Protection and Locked/Crossed Market Plan to Add the EDGX Exchange, Inc. as a Participant

January 5, 2016.

Pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 608 thereunder,[2] notice is hereby given that on October 26, 2015, EDGX Exchange, Inc. (''EDGX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') an amendment to the Options Order Protection and Locked/Crossed Market Plan (''Plan'').[3] The amendment adds EDGX as a Participant[4] to the Plan. The Commission is publishing this notice to solicit comments on the amendment from interested persons.

I. Description and Purpose of the Amendment

The current Participants in the Linkage Plan are BOX, C2, CBOE, ISE, MIAX, Nasdaq, Phlx, NYSE MKT, NYSE Arca, and Topaz. The amendment to the Plan added EDGX as a Participant in the Plan. EDGX has submitted a signed copy of the Plan to the Commission in accordance with the procedures set forth in the Plan regarding new Participants. Section 3(c) of the Plan provides for the entry of new Participants to the Plan. Specifically an Eligible Exchange[5] may become a Participant in the Plan by: (i) Executing a copy of the Plan, as then in effect; (ii) providing each current Participant with a copy of such executed Plan; (iii) effecting an amendment to the Plan, as specified in Section 4(b) of the Plan.

Section 4(b) of the Plan puts forth the process by which an Eligible Exchange may effect an amendment to the Plan. Specifically, an Eligible Exchange must: (a) Execute a copy of the Plan with the only change being the addition of the new participant's name in Section 3(a) of the Plan; and (b) submit the executed Plan to the Commission. The Plan then provides that such an amendment will be effective when the amendment is approved by the Commission or otherwise becomes effective pursuant to Section 11A of the Act and Rule 608 thereunder.

II. Effectiveness of the Proposed Linkage Plan Amendment

The foregoing Plan amendment has become effective pursuant to Rule 608(b)(3)(iii) of the Act[6] because it involves solely technical or ministerial matters. At any time within sixty days of the filing of this amendment, the Commission may summarily abrogate the amendment and require that it be refiled pursuant to paragraph (b)(1) of Rule 608,[7] if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system 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 amendment 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 4–546 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 4–546. 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 amendment 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

[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 242.608.

[3] On July 30, 2009, the Commission approved a national market system plan relating to Options Order Protection and Locked/Crossed Markets proposed by Chicago Board Options Exchange, Incorporated (''CBOE''), International Securities Exchange, LLC (''ISE''), The NASDAQ Stock Market LLC (''Nasdaq''), NASDAQ OMX BX, Inc. (''BOX''), NASDAQ OMX PHLX, Inc. (''Phlx''), NYSE Amex, LLC (''NYSE Amex''), and NYSE Arca, Inc. (''NYSE Arca''). *See also* Securities Exchange Act Release No. 61546 (February 19, 2010), 75 FR 8762 (February 25, 2010) (adding BATS Exchange, Inc. (''BATS'') as a Participant; 63119 (October 15, 2010), 75 FR 65536 (October 25, 2010) (adding C2 Options Exchange, Incorporated (''C2'') as a Participant); 66969 (May 12, 2015), 77 FR 29396 (May 17, 2012) (adding BOX Options Exchange LLC (''BOX Options'' as a Participant); 70763 (October 28, 2013), 78 FR 65734 (November, 2013) (adding Topaz Exchange, LLC (''Topaz'') as a Participant; 70762 (October 28, 2013), 78 FR 65733 (November 1, 2013) (adding MIAX International Securities Exchange, LLC (''MIAX'') as a Participant).

[4] The term ''Participant'' is defined as an Eligible Exchange whose participation in the Plan has become effective pursuant to Section 3(c) of the Plan.

[5] Section 2(6) of the Plan defines an ''Eligible Exchange'' as a national securities exchange registered with the Commission pursuant to Section 6(a) of the Act, 15 U.S.C. 78f(a), that: (a) Is a ''Participant Exchange'' in the Options Clearing Corporation (''OCC'') (as defined in OCC By-laws, Section VII); (b) is a party to the Options Price Reporting Authority (''OPRA'') Plan (as defined in the OPRA Plan, Section 1); and (c) if the national securities exchange chooses not to become part to this Plan, is a participant in another plan approved by the Commission providing for comparable Trade-Through and Locked and Crossed Market protection. EDGX has represented that it has met the requirements for being considered an Eligible Exchange. *See* letter from Anders Franzon, VP and Associate General Counsel, BATS, to Brent J. Fields, Secretary, Commission, dated October 26, 2015.

[6] 17 CFR 242.608(b)(3)(iii).

[7] 17 CFR 242.608(b)(1).

at the principal office of EDGX. 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 4–546 and should be submitted on or before February 1, 2016.

By the Commission.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00258 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–181, OMB Control No. 3235–0184]

Proposed Collection; Comment Request

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension: Form S–6

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

The title for the collection of information is ''Form S–6 (17 CFR 239.16), for Registration under the Securities Act of 1933 of Securities of Unit Investment Trusts Registered on Form N–8B–2 (17 CFR 274.13).'' Form S–6 is a form used for registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (''Securities Act'') of securities of any unit investment trust (''UIT'') registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') on Form N–8B–2. Section 5 of the Securities Act (15 U.S.C. 77e) requires the filing of a registration statement prior to the offer of securities to the public and that the statement be effective before any securities are sold. Section 5(b) of the Securities Act requires that investors be provided with a prospectus containing the information required in a registration statement prior to the sale or at the time of confirmation or delivery of the securities.

Section 10(a)(3) of the Securities Act (15 U.S.C. 77j(a)(3)) provides that when a prospectus is used more than nine months after the effective date of the registration statement, the information therein shall be as of a date not more than sixteen months prior to such use. As a result, most UITs update their registration statements under the Securities Act on an annual basis in order that their sponsors may continue to maintain a secondary market in the units. UITs that are registered under the Investment Company Act on Form N–8B–2 file post-effective amendments to their registration statements on Form S–6 in order to update their prospectuses.

The purpose of Form S–6 is to meet the filing and disclosure requirements of the Securities Act and to enable filers to provide investors with information necessary to evaluate an investment in the security. This information collection differs significantly from many other federal information collections, which are primarily for the use and benefit of the collecting agency. The information required to be filed with the Commission permits verification of compliance with securities law requirements and assures the public availability and dissemination of the information.

The Commission estimates that there are approximately 1,340 initial registration statements filed on Form S–6 annually and approximately 1,158 annual post-effective amendments to previously effective registration statements filed on Form S–6. The Commission estimates that the hour burden for preparing and filing an initial registration statement on Form S–6 is 45 hours and for preparing and filing a post-effective amendment to a previously effective registration statement filed on Form S–6 is 40 hours. Therefore, we estimate that the total hour burden of preparing and filing registration statements on Form S–6 for all affected UITs is 106,620 hours. We estimate that the cost burden of preparing and filing an initial registration statement on Form S–6 is $33,104 and for preparing and filing a post-effective amendment is $19,862. Therefore, we estimate that the total cost burden of preparing and filing registration statements on Form S–6 for all affected UITs is $67,359,556.

Estimates of average burden hours and costs are made solely for purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Compliance with the information collection requirements of Form S–6 is mandatory. Responses to the collection of information will not be kept confidential. 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.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

All submissions should refer to File Number 270–181. This file number should be included on the subject line if email is used. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov*). 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.

Dated: January 5, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00246 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76831; File No. SR–BX–2015–088]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Delay of Implementation of Kill Switch

January 5, 2016.

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 23, 2015, NASDAQ OMX BX, Inc. (''BX'' or ''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 extend the implementation timeframe for adopting an optional Kill Switch protection.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposal is to extend the implementation of the timeframe to adopt a new risk protection, a Kill Switch, applicable to all BX Participants. In its rule change adopting this new risk protection in Chapter VI, Section 6, the Exchange stated, ''The Exchange proposes to implement this rule within ninety (90) days of the implementation date.'' [3] The Exchange stated that it will issue an Options Trader Alert in advance to inform market participants of such date. At this time, the Exchange desires to extend the implementation of this rule change to 120 days from the operative date. The Exchange will announce the date of implementation by issuing an Options Trader Alert.

By way of background, the Kill Switch will allow BX Participants to remove quotes and cancel open orders and prevent new order submission. The BX Options Kill Switch is an optional tool that enables Participants to initiate a message(s) [4] to the System to: (i) Promptly remove quotes; and/or (ii) promptly cancel orders. Participants may submit a request to the System to remove/cancel quotes and/or orders based on certain identifiers on either a user or group level. Participants may elect to remove quotes and cancel orders by Exchange account, port, and/or badge or mnemonic (''Identifier'') or by a group (one or more Identifier combinations),[5] which are provided by such Participant to the Exchange. Participants may not remove quotes/orders by symbol. The System will send an automated message to the Participant when a Kill Switch request has been processed by the Exchange's System.

If the Participant selects quotes to be cancelled utilizing the Kill Switch, the BX Participant must send a message to the Exchange to request the removal of all quotes requested for the certain specified Identifier(s). The BX Participant will be unable to enter any additional quotes for the affected Identifier(s) until re-entry has been enabled pursuant to proposed section (d)(iii).[6] If the Participant selects orders to be cancelled utilizing the Kill Switch, the BX Participant must send a message to the Exchange to request the cancellation of all orders requested for the certain specified Identifier(s). The BX Participant will be unable to enter additional orders for the affected Identifier(s) until re-entry has been enabled pursuant to section (d)(iii). The BX Participant will be unable to enter additional quotes and/or orders for the affected Identifier(s) until the BX Participant has made a request to the Exchange and Exchange staff has set a re-entry indicator to enable re-entry.[7] Once enabled for re-entry, the System will send a Re-entry Notification Message to the BX Participant. The applicable Clearing Participant for that BX Participant also will be notified of the re-entry into the System after quotes and/or orders are removed/cancelled as a result of the Kill Switch, provided the Clearing Participant has requested to receive such notification.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [8] in general, and furthers the objectives of Section 6(b)(5) of the Act [9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by enhancing the risk protections available to Exchange members. The proposal promotes policy goals of the Commission which has encouraged execution venues, exchange and non-exchange alike, to enhance risk protection tools and other mechanisms to decrease risk and increase stability.

The delay of the implementation of BX Rules at Chapter VI, Section 6 will permit the Exchange an additional thirty days within which to implement this risk protection that will be utilized by BX Participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal does not impose an undue burden on inter-market competition because all BX Participants may avail themselves of the Kill Switch, which functionality will be optional. The proposed rule change is meant to protect BX Participants in the event the BX Participant is suffering from a systems issue or from the occurrence of unusual or unexpected market activity that would require them to withdraw from the market in order to protect investors. The ability to control risk at either the user or group level will permit the BX Participant to protect itself from inadvertent exposure to excessive risk at the each level. Reducing such risk will enable BX Participants to enter quotes and orders without any fear of inadvertent exposure to excessive risk, which in turn will benefit investors through increased liquidity for the execution of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 76116 (October 8, 2015), 80 FR 62146 (October 15, 2015) (SR–BX–2015–050) [sic].

[4] BX Participants will be able to utilize an interface to send a message to the Exchange to initiate the Kill Switch or they may contact the Exchange directly.

[5] The type of group permissible would be within a broker-dealer. For example, this could be including but not limited to all market maker accounts or all order entry ports.

[6] Sweeps will also be cancelled. A sweep is a one-sided electronic quote submitted over the Specialized Quote Feed, which is the market making quoting interface.

[7] The BX Participant must directly and verbally contact the Exchange to request the re-set.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

their orders. Such increased liquidity benefits investors because they receive better prices and because it lowers volatility in the options market. For these reasons, the Exchange does not believe this proposal imposes an undue burden on inter-market competition, rather, the proposed rule change will have no impact on competition.

The delay of the implementation of BX Rules at Chapter VII, Section 6(f) will permit the Exchange additional time to implement this risk protection that will be utilized by BX Participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

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 [10] and Rule 19b–4(f)(6) thereunder.[11]

BX requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because the extension will provide the Exchange with the additional time it requires to implement the Kill Switch program. The Commission further notes that BX's proposal to adopt the Kill Switch [12] was approved by the Commission [13] and that the extension of the implementation period does not affect the parameters of the Kill Switch program. For these reasons, the Commission designates the proposed rule change to be operative upon filing.[14]

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–BX–2015–088 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–BX–2015–088. 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–BX–2015–088 and should be submitted on or before February 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00251 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] *See* Securities Exchange Act Release No. 75744 (Aug. 20, 2015), 80 FR 52068 (Aug. 27, 2015) (SR–BX–2015–050).

[13] *See* note 3.

[14] 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).

[15] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76836; File No. SR–ISE Gemini–2015–28]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Establish the Securities Trader and Securities Trader Principal Registration Categories

January 5, 2016.

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 23, 2015, ISE Gemini, LLC (the ''Exchange'' or the ''ISE Gemini'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, of which Items I and II have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE Gemini proposes to codify, in the Supplementary Material to Rule 306 Registration Requirements, the categories of registration and respective qualification examinations required for individual associated persons (''associated persons'') that engage in the securities activities of members on the Exchange. Specifically, the Exchange proposes to 1) replace the Proprietary Trader registration category

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

and the Series 56 Proprietary Trader registration qualification examination with the newly codified Securities Trader category of registration and the Series 57 Securities Trader registration qualification examination for Securities Traders respectively and 2) replace the Proprietary Trader Principal registration category with the newly codified registration category of Securities Trader Principal and require Securities Trader Principals to take the Series 57 qualification examination in addition to the Series 24 qualification examination. The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 306 Registration Requirements. This amendment will replace the Proprietary Trader (PT) registration category and qualification examination (Series 56) with the newly codified Securities Trader (TD) registration category and qualification examination (Series 57). In addition, the Exchange proposes to replace the Proprietary Trader Principal (TP) registration category with the newly codified Securities Trader Principal (TP) registration category for associated persons who either: (i) Supervise or monitor proprietary trading, market-making and/or brokerage activities for broker-dealers; (ii) supervise or train those engaged in proprietary trading, market-making and/or effecting transactions on behalf of a broker-dealer, with respect to those activities; and/or (iii) are officers, partners or directors of a member, as described in proposed paragraph (a) to .08 of Supplementary Material to Rule 306. The Exchange also proposes to replace the Proprietary Trader Compliance Officer (CT) registration category with the newly codified Securities Trader Compliance Officer (CT) registration category for Chief Compliance Officers (or individuals performing similar functions) of a member or member organization. This filing is, in all material respects, based upon SR–FINRA–2015–017 and SR–C2–2015–027.[3]

Currently, Rule 306 requires, among other things, an associated person engaged or to be engaged in the securities business of a member to register with the Exchange in the category of registration appropriate to the function to be performed and to pass the qualification examination appropriate to the category of registration as prescribed by the Exchange. Among the qualification and registration requirements set forth by the Exchange, an associated person who engages in proprietary trading, market-making, or effecting transactions on behalf of a broker-dealer must register and qualify as a Proprietary Trader (PT) in WebCRD.[4] To qualify as a Proprietary Trader, an associated person must either pass the Series 56 Proprietary Trader qualification examination[5] or Series 7 General Securities Representative qualification examination. Several exchanges, including ISE Gemini currently use the Series 56 examination as a qualification standard.[6]

.07 of Supplementary Material to Rule 306 further requires that an associated person with supervisory responsibility over proprietary trading activities or who is an (i) officer; (ii) partner; (iii) director; (iv) supervisor of proprietary trading, market-making or brokerage activities; and/or (v) supervisor of those engaged in proprietary trading, market-making or brokerage activities with respect to those activities is required to register and qualify as a Proprietary Trader Principal (TP) in WebCRD and satisfy prerequisite registration and qualification requirements, including, but not limited to passing the Series 24 General Securities Principal Examination or an acceptable alternative qualification examination. An associated person who is a Chief Compliance Officer (or performs similar functions) for a member that engages in proprietary trading, market-making, or effecting transactions on behalf of a broker-dealer is also required to register and qualify as a Proprietary Trader Compliance Officer (CT) in WebCRD and satisfy the prerequisite registration and qualification requirements, including, but not limited to passing the Series 14 Compliance Official Examination or an acceptable alternative qualification exam.

Codification of Examination and Registration Requirements

The Exchange proposes to replace the Series 56 qualification examination with the newly codified Series 57 qualification examination for those registration categories where the Series 56 is currently an acceptable qualification standard. Specifically, with respect to the Proprietary Trader registration, the Exchange proposes to replace the Proprietary Trader (PT) registration category with the newly codified Securities Trader (TD) registration category as well as eliminate the current Series 56 Proprietary Trader Exam prerequisite and, instead, include a Series 57 Securities Trader qualification examination in its place.[7]

[3] *See* Securities Exchange Act Release No. 75783 (August 28, 2015), 80 FR 53369 (September 3, 2015) (SR–FINRA–2015–017) and Securities Exchange Act Release No. 76408 (November 10, 2015) (SR–C2–2015–027).

[4] WebCRD is a secure registration and licensing system operated by FINRA and is the central licensing and registration system for the U.S. securities industry and its regulators. The system contains the registration records of more than 6,500 registered broker-dealers, and the qualification, employment and disclosure histories of more than 650,000 active registered associated persons. In addition, Web CRD facilitates the processing and payment of FINRA registration-related fees such as form filings, fingerprint submissions, qualification exams and continuing education sessions.

[5] The Series 56 Proprietary Trader Examination is a two hour and thirty minute exam, consisting of 100 scored multiple-choice questions. The Series 56 examination is administered by FINRA, but is not recognized by FINRA as an acceptable qualification examination for associated persons engaged in securities trading. Under FINRA rules, associated persons of FINRA members that engage in over-the-counter securities trading are required to pass the Series 55 Equity Trader Exam. Nevertheless, as FINRA has recognized, because the Series 55 and Series 56 are intended to test the core knowledge required of associated persons engaged in trading activities as well as self-regulatory organization (''SRO'') rules, including trading rules that are common across all SROs, there is significant overlap in the content of the Series 55 and Series 56 qualification examinations. *See* Securities Exchange Act Release No. 75394 (July 8, 2015), 80 FR 41119 (Notice of Filing of a Proposed Rule Change to Establish the Securities Trader and Securities Trader Principal Registration Categories) (SR–FINRA–2015–017).

[6] *See, e.g.,* BATS Exchange, Inc. (''BATS'') Interpretation and Policy .01 to Rule 2.5 (Proficiency Examinations); Miami International Securities Exchange, LLC (''MIAX'') Rule 1302 (Registration of Representatives).

[7] Neither the Exchange's current Rules nor the proposal would require that a Proprietary Trader or Securities Trader work at, or be associated with, a ''proprietary trading firm.'' Rather, both the current Rules and the proposal would require that an associated person that engages in proprietary trading, market-making, or effecting transactions on behalf of a broker-dealer qualify and register as a Proprietary Trader (or Securities Trader) in

The Proprietary Trader Principal (PT) and Proprietary Trader Compliance Officer (CT) registration categories would be replaced with the newly codified renamed registration categories of Securities Trader Principal (TP) and Securities Trader Compliance Officer respectively (CT).[8]

The Exchange will announce the effective date of the proposed rule change in a Regulatory Circular. Currently, the Exchange intends for the effective date to be January 4, 2016. Under the proposed rule, associated persons who have passed the Proprietary Trader (Series 56) qualification examination and who have registered as a Proprietary Trader (PT) in WebCRD on or before the effective date of the proposed rule change, and associated persons who have passed the General Securities Representative (Series 7) qualification examination and who have registered as Proprietary Traders (PT) in WebCRD on or before the effective date of the proposed rule change, would be grandfathered as Securities Traders (TDs) without having to take any additional examinations and without having to take any other action, provided that the associated person's registration has not been revoked by the Exchange as a disciplinary sanction and no more than two years have passed between the date that the associated person last registered as a Proprietary Trader (PT) and the effective date. After the effective date, an associated person would need to pass the new Series 57 Securities Trader qualification examination and register as a Securities Trader (TD).

In addition, associated persons who have either passed the Proprietary Trader (PT) qualification examination or the General Securities Representative (Series 7) qualification examination and who have registered as Proprietary Traders (PT) in WebCRD on or before the effective date of the proposed rule change, and who have also passed the General Securities Principal (Series 24) qualification examination (or have completed any of the alternative acceptable qualifications requirements as defined in new .08 of Supplementary Material to Rule 306) and who have also registered as Proprietary Trader Principals (TP) in WebCRD on or before the effective date of the proposed rule change, would be eligible to register as Securities Trader Principals (TPs), provided that the associated person's registration has not been revoked by the Exchange as a disciplinary sanction and no more than two years have passed between the date that the associated person last registered as a Proprietary Trader Principal (TP) and the date they [sic] register as a Securities Trader Principal (TP).[9] After the effective date, a Securities Trader Principal (TP) would need to pass the Securities Trader (Series 57) qualification examination and the General Securities Principal (Series 24) qualification examination (or have completed any of the alternative acceptable qualifications as defined in new .08 of Supplementary Material to Rule 306) and be registered as such in order to register as a Securities Trader Principal (TP).[10]

2. Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [11] in general, and furthers the objectives of Section 6(b)(5) of the Act [12] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange further believes its proposed rule change is consistent with Section 6(c) of the Act,[13] and in particular furthers the objectives of Section 6(c)(3) of the Act,[14] which authorizes the Exchange to prescribe standards of training, experience, and competence for associated persons. The Exchange believes that the requirements of the Securities Trader and Securities Trader Principal registration categories and the new Securities Trader qualification requirements should help ensure that proprietary traders and the principals who supervise proprietary traders and proprietary trading are, and will continue to be, properly qualified to perform their functions which should protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Implementation of the proposed changes to ISE Gemini's registration rules in coordination with the FINRA Amendments does not present any competitive issues, but rather is designed to provide less burdensome and more efficient regulatory compliance for associated persons and enhance the ability of the Exchange to fairly and efficiently regulate associated persons, which will further enhance competition. Additionally, the proposed rule change should not affect intramarket competition because all similarly situated representatives and principals will be required to complete the same qualification examinations. Finally, the proposed rule change does not impose any additional examination burdens on persons who are already registered. There is no obligation to take the proposed Series 57 examination in order to continue in their present duties, so the proposed rule change is not expected to disadvantage current registered persons relative to new entrants in this regard.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on 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 foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–

WebCRD. Whereas the current rule allows an associated person to qualify and register as a Proprietary Trader by either passing the Series 56 Proprietary Trader qualification examination or Series 7 General Securities Representative qualification examination, the proposal would require an associated person to pass the Series 57 Securities Trader qualification examination in order to qualify as a Securities Trader after the effective date of the proposal.

[8] As is the case under the current Rules, under the proposed rule, only individuals qualified and registered as a Proprietary Trader Principal (TP) (Securities Trader Principal TP)) would be permitted to supervise a Proprietary Trader (PT) (Securities Trader (TD)).

[9] See Rule 306(e) (Requirement for Examination on Lapse of Registration).

[10] As part of codifying this rule, the Exchange will include text .08 of Supplementary Material to Rule 306 regarding the supervisory responsibilities of the Securities Trader Principals, which would limit Securities Trader Principals' supervisory responsibilities to supervision of the securities trading functions of members as described in paragraph (a)(2) of .08 of Supplementary Material to Rule 306, and the activities of officers, partners, and directors of members.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78f(c).

[14] 15 U.S.C. 78f(c)(3).

[15] 15 U.S.C. 78s(b)(3)(A).

4(f)(6) thereunder.[16] The Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the proposed rule change, or such shorter time as designated by the Commission, as required by Rule 19b–4(f)(6).

The Exchange has requested that the Commission waive the thirty-day operative delay so that the proposal may become operative as of January 4, 2016. The Commission believes that waiving the thirty day delay is consistent with the protection of investors and the public interest, as it will enable the Exchange to have the new requirements in effect at the same time as the other SROs. Therefore, the Commission hereby waives the thirty-day operative delay and designates the proposal operative as of January 4, 2016.[17]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *http://www.sec.gov/rules/sro.shtml*; or
- Send an Email to *rule-comments@sec.gov*. Please include File No. SR–ISE Gemini–2015–28 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–ISE Gemini–2015–28. 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 Commissions 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. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE Gemini-2015–28 and should be submitted by February 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00247 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 240.19b–4(f)(6).

[17] For purposes of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76830; File No. SR–NASDAQ–2015–163]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delay of Implementation of Kill Switch

January 5, 2016.

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 23, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''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 extend the implementation timeframe for adopting an optional Kill Switch protection.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.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 aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposal is to extend the implementation of the timeframe to adopt a new risk protection, a Kill Switch, applicable to all NOM Participants. In its rule change adopting this new risk protection in Chapter VI, Section 6, the Exchange stated, ''The Exchange proposes to implement this rule within ninety (90) days of the implementation date.''[3] The Exchange stated that it will issue an Options Trader Alert in advance to inform market participants of such date. At this time, the Exchange desires to extend the implementation of this rule change to 120 days from the operative date. The Exchange will announce the date of implementation by issuing an Options Trader Alert.

By way of background, the Kill Switch will allow NOM Participants to remove quotes and cancel open orders and prevent new order submission. The NASDAQ Options Kill Switch will be an optional tool that enables

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 75743 (August 20, 2015), 80 FR 51850 (August 26, 2015) (SR–NASDAQ–2015–096).

Participants to initiate a message(s)[4] to the System to: (i) Promptly remove quotes; and/or (ii) promptly cancel orders. Participants may submit a request to the System to remove/cancel quotes and/or orders based on certain identifiers on either a user or group level. Participants may elect to remove quotes and cancel orders by Exchange account, port, and/or badge or mnemonic (''Identifier'') or by a group (one or more Identifier combinations),[5] which are provided by such Participant to the Exchange.[6] Participants may not remove quotes/orders by symbol. The System will send an automated message to the Participant when a Kill Switch request has been processed by the Exchange's System.

If the Participant selects quotes to be cancelled utilizing the Kill Switch, the NOM Participant must send a message to the Exchange to request the removal of all quotes requested for the certain specified Identifier(s). The NOM Participant will be unable to enter any additional quotes for the affected Identifier(s) until re-entry has been enabled pursuant to proposed section (d)(iii).[7] If the Participant selects orders to be cancelled utilizing the Kill Switch, the NOM Participant must send a message to the Exchange to request the cancellation of all orders requested for the certain specified Identifier(s). The NOM Participant will be unable to enter additional orders for the affected Identifier(s) until re-entry has been enabled pursuant to section (d)(iii). The NOM Participant will be unable to enter additional quotes and/or orders for the affected Identifier(s) until the NOM Participant has made a request to the Exchange and Exchange staff has set a re-entry indicator to enable re-entry.[8] Once enabled for re-entry, the System will send a Re-entry Notification Message to the NOM Participant. The applicable Clearing Participant for that NOM Participant also will be notified of the re-entry into the System after quotes and/or orders are removed/cancelled as a result of the Kill Switch, provided the Clearing Participant has requested to receive such notification.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[9] in general, and furthers the objectives of Section 6(b)(5) of the Act[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by enhancing the risk protections available to Exchange members. The proposal promotes policy goals of the Commission which has encouraged execution venues, exchange and non-exchange alike, to enhance risk protection tools and other mechanisms to decrease risk and increase stability.

The delay of the implementation of NOM Rules at Chapter VI, Section 6 will permit the Exchange an additional thirty days within which to implement this risk protection that will be utilized by NOM Participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal does not impose an undue burden on inter-market competition because all NOM Participants may avail themselves of the Kill Switch, which functionality will be optional. The proposed rule change is meant to protect NOM Participants in the event the NOM Participant is suffering from a systems issue or from the occurrence of unusual or unexpected market activity that would require them to withdraw from the market in order to protect investors. The ability to control risk at either the user or group level will permit the NOM Participant to protect itself from inadvertent exposure to excessive risk at the each level. Reducing such risk will enable NOM Participants to enter quotes and orders without any fear of inadvertent exposure to excessive risk, which in turn will benefit investors through increased liquidity for the execution of their orders. Such increased liquidity benefits investors because they receive better prices and because it lowers volatility in the options market. For these reasons, the Exchange does not believe this proposal imposes an undue burden on inter-market competition, rather, the proposed rule change will have no impact on competition.

The delay of the implementation of NOM Rules at Chapter VII, Section 6(f) will permit the Exchange additional time to implement this risk protection that will be utilized by NOM Participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

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[11] and Rule 19b–4(f)(6) thereunder.[12]

Nasdaq requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because the extension will provide the Exchange with the additional time it requires to implement the Kill Switch program. The Commission further notes that Nasdaq's proposal to adopt the Kill Switch[13] was approved by the Commission[14] and that the extension of the implementation period does not affect the parameters of the Kill Switch program. For these reasons, the Commission designates the proposed rule change to be operative upon filing.[15]

[4] NOM Participants will be able to utilize an interface to send a message to the Exchange to initiate the Kill Switch or they may contact the Exchange directly.

[5] The type of group permissible would be within a broker-dealer. For example, this could be including but not limited to all market maker accounts or all order entry ports.

[6] Orders submitted by NOM Market Makers over Ouch to Trade Options (OTTO) interface will be treated as quotes for purposes of this rule.

[7] Sweeps will also be cancelled. A sweep is a one-sided electronic quote submitted over the Specialized Quote Feed, which is the market making quoting interface.

[8] The NOM Participant must directly and verbally contact the Exchange to request the re-set.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] *See* note 3.

[14] *See* Securities Exchange Act Release No. 76123 (Oct. 9, 2015), 80 FR 62591 (Oct. 16, 2015) (SR–NASDAQ–2015–096).

[15] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on

Continued

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–NASDAQ–2015–163 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–NASDAQ–2015–163. 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–NASDAQ–2015–163 and should be submitted on or before February 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

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BILLING CODE 8011–01–P

efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76828; File No. SR–CBOE–2015–115]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Fees for Certain CBOE Real-Time Data Feeds

January 5, 2016.

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 22, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') proposes to amend fees for certain CBOE real-time data feeds. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend fees for the BBO Data Feed and Book Depth Data Feed. These data feeds are made available by CBOE's affiliate Market Data Express, LLC (''MDX'').[3]

BBO and Book Depth Data Feeds

BBO Data Feed: The BBO Data Feed is a real-time, low latency data feed that includes the following content: (i) Outstanding quotes and standing orders at the best available price level on each side of the market, with aggregate size (''BBO data''), and last sale data;[4] (ii) totals of customer versus non-customer contracts at the BBO, (iii) All-or-None contingency orders priced better than or equal to the BBO, (iv) BBO and last sale data for complex strategies (*e.g.,* spreads, straddles, buy-writes, etc.); (v) expected opening price (''EOP'') and expected opening size (''EOS'') information that is disseminated prior to the opening of the market and during trading rotations, (vi) end-of-day (''EOD'') summary messages that are disseminated after the close of a trading session that include summary

[3] MDX also offers real-time Complex Order Book (''COB'') and Flexible Exchange (''FLEX'') Options Data Feeds. The COB Data Feed includes data regarding the Exchange's Complex Order Book and related complex order information. The COB Data Feed includes BBO, Book Depth and last sale data for all CBOE-traded complex order strategies and identifies customer orders and trades. The Exchange is not proposing to amend fees for the COB Data Feed at this time. The FLEX Options Data Feed includes BBO and last sale data for FLEX options traded on the CBOE FLEX Hybrid Trading System, including BBO and last sale data for FLEX complex strategies. The FLEX Options Data Feed is currently made available at no charge. The Exchange is not proposing to establish fees for the FLEX Options Data Feed at this time.

[4] ''Best bid and offer'' or ''BBO'' data is sometimes referred to as ''top-of-book'' data. Data with respect to executed trades is referred to as ''last sale'' data.

information about trading in CBOE listed options (*i.e.,* product name, opening price, high and low price during the trading session and last sale price), (vii) ''recap messages'' that are disseminated during a trading session any time there is a change in the open, high, low or last sale price of a CBOE listed option, as well as product name and total volume traded in the product during the trading session; and (viii) product IDs and codes for all CBOE listed options contracts. The BBO Data Feed includes market data for simple options as well as complex strategies. The data in the BBO Data Feed is refreshed periodically during the trading session.[5] The BBO and last sale data contained in the BBO Data Feed is identical to the data sent to the Options Price Reporting Authority (''OPRA'') for redistribution to the public.[6]

Book Depth Data Feed: The Book Depth Data Feed is a real-time, low latency data feed that includes all data contained in the BBO Data Feed (as described above) plus outstanding quotes and standing orders up to the first four price levels on each side of the market, with aggregate size (''Book Depth''). The data in the Book Depth Data Feed is refreshed periodically during the trading session.[7]

Fees

BBO Data Feed Fees: MDX currently charges a ''Data Fee'', payable by a Customer, of $6,000 per month for internal use and external redistribution of the BBO Data Feed.[8] The Data Fee entitles a Customer to provide the BBO Data Feed to an unlimited number of internal users and Devices [9] within the Customer. A Customer receiving the BBO Data Feed from another Customer is assessed the Data Fee by MDX pursuant to its own market data agreement with MDX, and is entitled to use the Data internally and/or distribute it externally.[10] All Customers have the same rights to utilize the data internally and/or distribute it externally as long as the Customer has entered into a written agreement with MDX for the data and pays the Data Fee.

The Exchange proposes to increase the Data Fee from $6,000 per month to $7,000 per month. The Exchange currently charges a ''User Fee'', payable by a Customer, of $50 per month per Device or user ID for use of data in the BBO Data Feed by ''Display Only Service'' users.[11] User fees are payable only for ''external'' Display Only Service users (Devices or user IDs of Display Only Service users who are not employees or natural person independent contractors of the Customer, the Customer's affiliates or an authorized service facilitator).[12] The Exchange is not proposing to amend the User Fee at this time.

Book Depth Data Feed Fees: MDX currently charges a ''Data Fee'', payable by a Customer (as defined above), of $6,000 per month for internal use and external redistribution of the Book Depth Data Feed. The Data Fee for the Book Depth Data Feed entitles a Customer to provide the Book Depth Data Feed to an unlimited number of internal users and Devices within the Customer. A Customer receiving the Book Depth Data Feed from another Customer is assessed the Data Fee by MDX pursuant to its own market data agreement with MDX, and is entitled to use the Data internally and/or distribute it externally. All Customers have the same rights to utilize the Book Depth data internally and/or distribute it externally as long as the Customer has entered into a written agreement with MDX for the data and pays the Data Fee. BBO Data Feed Customers may upgrade to become Book Depth Data Feed Customers without paying any additional Data Fee.[13]

The Exchange proposes to increase the Data Fee from $6,000 per month to $7,000 per month. The Exchange currently charges a ''User Fee'', payable by a Customer, of $50 per month per Device or user ID for use of data in the Book Depth Data Feed by ''Display Only Service'' users (as defined above). User fees are payable only for ''external'' Display Only Service users (Devices or user IDs of Display Only Service users who are not employees or natural person independent contractors of the Customer, the Customer's affiliates or an authorized service facilitator).[14] The Exchange is not proposing to amend the User Fee at this time.

The Exchange also proposes to make a few clean-up changes to the MDX fee schedule for CBOE data, including removing several references to a January 1, 2015 effective date for prior fee changes.

The proposed fee changes would be effective on January 1, 2016.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[15] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[16] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities. The Exchange also believes the proposed rule change is consistent with the Section 6(b)(5) [17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed increases in the Data Fees for the BBO and Book Depth Data Feeds are intended to generate revenues that are needed to cover CBOE's actual and anticipated increases in the costs of collecting, processing and disseminating options market information and assuring the reliability and integrity of that information, as well as increases in CBOE's administrative costs. These costs include enhancements to CBOE's systems that are needed in order to enable CBOE to handle the continually increasing volume of market information and to accommodate the dissemination of data during Extended Trading Hours.

[5] The data is made available during ''Regular Trading Hours'' as defined in CBOE Rule 1.1(qqq) and ''Extended Trading Hours'' as defined in CBOE Rule 1.1(rrr).

[6] MDX makes available to Customers the BBO data and last sale data that is included in the BBO Data Feed no earlier than the time at which the Exchange sends that data to OPRA.

[7] The data is made available during Regular Trading Hours and Extended Trading Hours.

[8] A BBO Data Feed ''Customer'' is any person, company or other entity that, pursuant to a market data agreement with MDX, is entitled to receive data, either directly from MDX or through an authorized redistributor (*i.e.,* a Customer or an extranet service provider), whether that data is distributed externally or used internally. The MDX fee schedule for CBOE data is located at *https://www.cboe.org/MDX/CSM/OBOOKMain.aspx.*

[9] A ''Device'' means any computer, workstation or other item of equipment, fixed or portable, that receives, accesses and/or displays data in visual, audible or other form.

[10] A Customer may choose to receive the data from another Customer rather than directly from MDX's system because it does not want to or is not equipped to manage the technology necessary to establish a direct connection to MDX.

[11] A ''Display Only Service'' allows a natural person end-user to view and manipulate data using the Customer's computerized service, but not to save, copy, export or transfer the data or any results of the manipulation to any other computer hardware, software or media, except for printing it to paper or other non-magnetic media.

[12] An entity or person that receives BBO data from a Customer through a Display Only Service is not a ''Customer'' unless it has a market data agreement in place with MDX.

[13] Such Customers would still be subject to Display Only Service User Fees as described below.

[14] An entity or person that receives Book Depth data from a Customer through a Display Only Service is not a ''Customer'' unless it has a market data agreement in place with MDX.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(4).

[17] 15 U.S.C. 78f(b)(5).

The Exchange believes the proposed increase in the Data Fee for BBO data is equitable and not unfairly discriminatory because it would apply equally to all Customers. The Exchange believes the proposed Data Fee is reasonable because it compares favorably to fees that other markets charge for similar products. For example, NASDAQ OMX PHLX charges Internal Distributors a monthly fee of $4,000 per organization and External Distributors a monthly fee of $5,000 per organization (*i.e.,* a total of $9,000 per month for internal use and external redistribution) for its ''TOPO Plus Orders'' data feed, which like the BBO Data Feed includes top-of-book data (including orders, quotes and trades) and other market data.[18] The International Securities Exchange offers a ''Top Quote Feed'', which includes top-of-book data, and a separate ''Spread Feed'', which like the BBO Data Feed includes order and quote data for complex strategies (*i.e.,* a customer must subscribe to both feeds to receive data comparable to the BBO Data Feed). ISE charges distributors of its Top Quote Feed a base monthly fee of $3,000 plus $20 per month per controlled device. ISE charges distributors of its Spread Feed a base monthly fee of $3,000 plus $25 per month per controlled device.[19]

The Exchange believes the proposed increase in the Data Fee for Book Depth data is equitable and not unfairly discriminatory because it would apply equally to all Customers. The Exchange believes the proposed Data Fee is reasonable because it compares favorably to fees that other markets charge for similar products. For example, the International Securities Exchange offers a ''Depth of Market'' Feed, which includes the aggregated volume of all quotes and orders available at each of the top five price levels for simple (single legged) instruments, and a separate Spread Feed, which like the Book Depth Data Feed includes order and quote data for complex strategies (*i.e.,* a customer must subscribe to both feeds to receive data comparable to the Book Depth Data Feed). ISE charges distributors of its Depth of Market Feed a base monthly fee of $5,000 plus $50 per month per controlled device. ISE charges distributors of its Spread Feed a base monthly fee of $3,000 plus $25 per month per controlled device.[20]

NASDAQ OMX PHLX charges Internal Distributors a monthly fee of $4,000 and External Distributors a monthly fee of a $4,500 (*i.e.,* a total of $8,500 per month for internal use and external redistribution) for its Depth of Market data feed that includes full depth of quotes and orders and last sale data for options listed on PHLX.[21]

The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010), upheld reliance by the Securities and Exchange Commission (''Commission'') upon the existence of competitive market mechanisms to set reasonable and equitably allocated fees for proprietary market data:

> In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.'

Id. At 535 (quoting H.R. Rep. No. 94–229 at 92 (1975), *as reprinted in* 1975 U.S.C.C.A.N. 323). The court agreed with the Commission's conclusion that ''Congress intended that 'competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.' ''[22]

As explained below in the Exchange's Statement on Burden on Competition, the Exchange believes that there is substantial evidence of competition in the marketplace for proprietary market data and that the Commission can rely upon such evidence in concluding that the fees established in this filing are the product of competition and therefore satisfy the relevant statutory standards. In addition, the existence of alternatives to these data products, such as consolidated data and proprietary data from other sources, as described below, further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can select such alternatives.

For the reasons cited above, the Exchange believes the proposed fees for the BBO and Book Depth Data Feeds are equitable, reasonable and not unfairly discriminatory. In addition, the Exchange believes that no substantial countervailing basis exists to support a finding that the proposed fees for the BBO and Book Depth Data Feeds fail to meet the requirements of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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.

An exchange's ability to price its proprietary data market feed products is constrained by (1) the existence of actual competition for the sale of such data, (2) the joint product nature of exchange platforms, and (3) the existence of alternatives to the Exchange's proprietary data.

The Existence of Actual Competition. The Exchange believes competition provides an effective constraint on the market data fees that the Exchange, through MDX, has the ability and the incentive to charge. CBOE has a compelling need to attract order flow from market participants in order to maintain its share of trading volume. This compelling need to attract order flow imposes significant pressure on CBOE to act reasonably in setting its fees for market data, particularly given that the market participants that will pay such fees often will be the same market participants from whom CBOE must attract order flow. These market participants include broker-dealers that control the handling of a large volume of customer and proprietary order flow. Given the portability of order flow from one exchange to another, any exchange that sought to charge unreasonably high data fees would risk alienating many of the same customers on whose orders it depends for competitive survival. CBOE currently competes with twelve options exchanges (including CBOE's affiliate, C2 Options Exchange) for order flow.[23]

In addition, in the case of products that are distributed through market data vendors, the market data vendors themselves provide additional price discipline for proprietary data products because they control the primary means of access to certain end users. These vendors impose price discipline based upon their business models. For example, vendors that assess a surcharge on data they sell are able to refuse to offer proprietary products that their end users do not or will not

[18] *See* IX. Proprietary Data Feed Fees, TOPO Plus Orders, available at *http://www.nasdaqtrader.com/Micro.aspx?id=phlxpricing.*

[19] *See* ISE Schedule of Fees available at *http://www.ise.com/assets/documents/OptionsExchange/legal/fee/ISE_fee_schedule.pdf.*

[20] *Supra* Note 19.

[21] *See* IX. Proprietary Data Feed Fees, PHLX Depth Data, available at *http://www.nasdaqtrader.com/Micro.aspx?id=phlxpricing.*

[22] *NetCoalition,* 615 F.3d at 535 (Quoting Securities Exchange Act Release No. 59039 (December 9 [sic], 2008), 73 FR 74770 (December 9, 2008) at 74771).

[23] The Commission has previously made a finding that the options industry is subject to significant competitive forces. *See e.g.,* Securities Exchange Act Release No. 59949 (May 20, 2009), 74 FR 25593 (May 28, 2009) (SR–ISE–2009–97) (order approving ISE's proposal to establish fees for a real-time depth of market data offering).

purchase in sufficient numbers. Internet portals, such as Google, impose price discipline by providing only data that they believe will enable them to attract ''eyeballs'' that contribute to their advertising revenue. Similarly, Customers will not offer the BBO or Book Depth Data Feeds unless these products will help them maintain current users or attract new ones. For example, a broker-dealer will not choose to offer the BBO or Book Depth Data Feeds to its retail customers unless the broker-dealer believes that the retail customers will use and value the data and the provision of such data will help the broker-dealer maintain the customer relationship, which allows the broker-dealer to generate profits for itself. Professional users will not request any of these feeds from Customers unless they can use the data for profit-generating purposes in their businesses. All of these operate as constraints on pricing proprietary data products.

Joint Product Nature of Exchange Platform. Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade executions are a paradigmatic example of joint products with joint costs. The decision whether and on which platform to post an order will depend on the attributes of the platforms where the order can be posted, including the execution fees, data quality, and price and distribution of their data products. The more trade executions a platform does, the more valuable its market data products become. The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs. Moreover, an exchange's broker-dealer customers view the costs of transaction executions and market data as a unified cost of doing business with the exchange.

Analyzing the cost of market data product production and distribution in isolation from the cost of all of the inputs supporting the creation of market data and market data products will inevitably underestimate the cost of the data and data products because it is impossible to obtain the data inputs to create market data products without a fast, technologically robust, and well-regulated execution system, and system costs and regulatory costs affect the price of both obtaining the market data itself and creating and distributing market data products. It would be equally misleading, however, to attribute all of an exchange's costs to the market data portion of an exchange's joint products. Rather, all of an exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.

The level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including 12 options self-regulatory organization (''SRO'') markets, as well as various forms of alternative trading systems (''ATSs''), including dark pools and electronic communication networks (''ECNs'') and internalizing broker-dealers (''BDs''). Competition among trading platforms can be expected to constrain the aggregate return that each platform earns from the sale of its joint products, but different platforms may choose from a range of possible, and equally reasonable, pricing strategies as the means of recovering total costs. For example, some platforms may choose to pay rebates to attract orders, charge relatively low prices for market data products (or provide market data products free of charge), and charge relatively high prices for accessing posted liquidity. Other platforms may choose a strategy of paying lower rebates (or no rebates) to attract orders, setting relatively high prices for market data products, and setting relatively low prices for accessing posted liquidity. In this environment, there is no economic basis for regulating maximum prices for one of the joint products in an industry in which suppliers face competitive constraints with regard to the joint offering.

The Existence of Alternatives. CBOE is constrained in pricing the BBO and Book Depth Data Feeds by the availability to market participants of alternatives to purchasing these products. CBOE must consider the extent to which market participants would choose one or more alternatives instead of purchasing the exchange's data. Other options exchanges can and have produced their own top-of-book and book depth market data products, and thus are sources of potential competition for MDX. For example, as noted above, ISE and NASDAQ OMX PHLX offer market data products that compete with the BBO and Book Depth Data Feeds. The NYSE offers market data products entitled ''NYSE ArcaBook for Amex Options'' and ''NYSE ArcaBook for Arca Options'' that include top-of-book, last sale and market depth data similar to the data in the BBO and Book Depth Data Feeds.

The large number of SROs, BDs, and ATSs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, ATS, and BD is currently permitted to produce proprietary data products, and many currently do. In addition, the OPRA data feed is a significant competitive alternative to the BBO and last sale data included in the BBO and Book Depth Data Feeds.

Further, data products are valuable to professional users only if they can be used for profit-generating purposes in their businesses and valuable to non-professional users only insofar as they provide information that such users expect will assist them in tracking prices and market trends and making trading decisions.

The existence of numerous alternatives to the Exchange's products, including proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [24] and paragraph (f) of Rule 19b–4 [25] thereunder. 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

[24] 15 U.S.C. 78s(b)(3)(A).

[25] 17 CFR 240.19b–4(f).

Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–115 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2015–115. 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–CBOE–2015–115 and should be submitted on or before February 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00254 Filed 1–8–16; 8:45 am]

BILLING CODE 8011–01–P

[26] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Announcement of Lean for Main Street Training Challenge

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: The U.S. Small Business Administration (SBA) announces the Lean for Main Street Training Challenge, pursuant to the America Competes Act, to encourage current SBA Women's Business Centers, Small Business Development Centers, and SCORE Chapters—to identify ways of adapting framework established under the National Science Foundation's successful I-Corps™ business assistance program for small businesses and aspiring entrepreneurs that have not had much exposure to those kinds of resources.

DATES: The submission period for entries will begin at 12:00 p.m. EDT, January 11, 2016, and end February 10, 2016, at 11:59 p.m. EDT. SBA anticipates that winners will be announced no later than February 29, 2016.

FOR FURTHER INFORMATION CONTACT: Matthew Stevens, Strategic Initiatives Manager, Office of Entrepreneurial Development, U.S. Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, (202) 205–7699, *LeanChallenge@sba.gov.*

SUPPLEMENTARY INFORMATION:

Competition Details

1. *Subject of Challenge Competition:* Given the success and growing popularity of the National Science Foundation's I-Corps™ program (see *http://www.nsf.gov/news/special_reports/i-corps/about.jsp*), the SBA is interested in the potential for using adapted versions of that program as a means to assist a broader array of small businesses and aspiring entrepreneurs operating outside the I-Corps™ program's current focus on technology-based businesses or commercialization concepts. For reference, the I-Corps™ program involves expert business trainers helping teams of scientists and entrepreneurs apply ''lean principles''—a collection of practices and concepts for business model analysis—to those scientists' and entrepreneurs' nascent entrepreneurial efforts. Given the SBA's esteem for the success of this program, the SBA has partnered with the National Science Foundation (NSF) to offer the Lean for Main Street Training Challenge to current SBA Women's Business Centers, Small Business Development Centers, and SCORE Chapters (''Contestants''). Contestants selected as winners will participate in the development and deployment of innovative ''lean startup'' resources that can be delivered to small businesses in sectors or regions that have not had significant exposure or access to these resources. Winning Contestant representatives will participate in an in-person and virtual train-the-trainer program and forum with I-Corps™ national instructors to develop an innovative framework for exposing lean methodology to businesses in traditional sectors. Winners will then implement these newly-developed lean training resources to businesses in their respective communities on a pilot basis and provide SBA with an assessment of their effectiveness.

2. *Eligibility Rules for Participating in the Competition:* Only current recipients or sub-recipients in good standing of grants and cooperative agreements from SBA under the Women's Business Center, Small Business Development Center (both lead and service centers are eligible), or SCORE programs (''Resource Partners'') are eligible to take part in this competition. To be eligible to win a prize under this Competition, a Contestant:

(a) Shall have registered to participate in the competition under the rules promulgated by SBA;

(b) Shall have complied with all the requirements under this Notice;

(c) In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and

(d) May not be a Federal entity or Federal employee acting within the scope of their employment;

(e) Shall not be an SBA employee working on their applications during assigned duty hours.

3. *Registration Process for Contestants:* Contestants will submit their application through challenge.gov. Winners will be required to have an account in System for Award Management (SAM) *https://www.sam.gov* to receive the award.

4. *Amount of Prize:* Through the Lean for Main Street Training Challenge, the SBA will award up to five cash prizes

of $25,000 each. Additionally, scholarships with a value of up to $1,200 each will be issued by the SBA for two representatives of each winning organization to attend a 7 week I-Corps™ in person and virtual train the trainer program. The in person component of the training will take place in Washington, DC March 29 through April 1, 2016 and again May 11 through 14; virtual sessions will take place on April 7, 14, 21, 28, and May 5. On May 14, winners will participate in a forum with I-Corps instructors to discuss and refine their customized lean programs which will then be piloted by the winners.

5. *Payment of Prize:* The scholarships portion of the prize will be disbursed in the form of two vouchers for the two representatives from each winning organization to attend the I-Corps™ training event in early 2016. The cash prize portion of the award will be disbursed in a series of three payments. The first payment, equal to 60 percent of a winner's total prize amount, will be disbursed upon award once all initial requirements in the Official Rules available at *https://www.challenge.gov* (see Rules section in the for Lean for Main Street Training Challenge) have been met. The second payment, equal to 20 percent of a winner's total prize amount, will be disbursed after a winner has presented a modified I-Corps™ program to the SBA and Agency staff has deemed that modified program satisfactory. This modified program must be presented within six (6) months of the date of the award unless otherwise specified by the SBA. The remaining 20 percent of the total prize amount will be disbursed after a winner submits a written assessment that includes, but is not limited to, the outcomes and outputs of the pilot implementation of the modified program as measured by the metrics outlined in its proposal, a summary of any lessons learned and best practices, and suggestions for any improvements to the design or implementation of similar competitions in the future. The written assessment must be submitted to SBA no later than 12 months after a winner receives its first prize payment.

6. *Selection of Winners:* Winners will be selected based upon how well they address the following criteria on their application forms:

• Audience: SBA's Resource Partners interact with a diverse group of small business owners and entrepreneurs. While lean materials aimed towards tech startups are commonly available, entrepreneurs in different industries, with different backgrounds, or from different geographies may find these materials less applicable to their immediate circumstances. In order to be successful, a Contestant should clearly identify the specific audience for which their modified program would be developed. Contestants are free to define their audience according to their own parameters (*e.g.*, Sector, Business Phase (pre-venture, startup, existing businesses) Geography, Historically Disadvantaged or Underserved Status, etc.)

• Adaptation: To kick off the adaptation of the I-Corps™ program, each winner will send two representatives to NSF's I-Corps™ gathering in Washington, DC, where they will work in dedicated groups with I-Corps™ instructors as part of a specialized Train the Trainer program. Applications should outline exactly how representatives intend to benefit from this experience, including any specific knowledge gaps that representatives are looking to fill through their participation. They should also give a clear idea of the demonstrated ability of each representative to adapt and deliver new resources to small businesses. Please note that while SBA is interested in your knowledge and experience with lean methods, preexisting expertise in lean methodology is NOT a requirement for this Competition.

• Implementation: An entrepreneurial development program is only as good as the people it can reach. While the ability to adapt and customize entrepreneurial development resources is clearly important, equally important will be the Contestants' solution to delivering their curriculum to small businesses and aspiring entrepreneurs in their target audience. An application should delineate, as clearly as possible, how the Resource Partner intends to leverage their existing relationships, the curriculum that they will develop, and the funds awarded to bring lean methods into their communities on a pilot basis. Applications should also give a clear idea of how they intend to evaluate the effectiveness of their program, including specific metrics that the Resource Partner will track.

7. *Applicable Law:* This Competition is being conducted by SBA pursuant to the America Competes Act (15 U.S.C. 3719) and is subject to all applicable federal laws and regulations. By participating in this Competition, each Contestant gives its full and unconditional agreement to the Official Rules and the related administrative decisions described in this notice, which are final and binding in all matters related to the Competition. A Contestant's eligibility for a prize award is contingent upon its fulfilling all requirements identified in this notice and in the Official Rules. Publication of this notice is not an obligation of funds on the part of SBA. SBA reserves the right to modify or cancel this Competition, in whole or in part, at any time prior to the award of prizes.

8. *Conflicts of Interest:* No individual acting as a judge at any stage of this Competition may have personal or financial interests in, or be an employee, officer, director, or agent of any Contestant or have a familial or financial relationship with a Contestant.

9. *Intellectual Property Rights:*

(a). All entries submitted in response to this Competition will remain the sole intellectual property of the individuals or organizations that developed them. By registering and entering a submission, each Contestant represents and warrants that it is the sole author and copyright owner of the submission, and that the submission is an original work of the Contestant, or if the submission is a work based on an existing application, that the Contestant has acquired sufficient rights to use and to authorize others to use the submission, and that the submission does not infringe upon any copyright or upon any other third party rights of which the Contestant is aware.

(b). The winning Contestant will, in consideration of the prize to be awarded, grant to SBA an irrevocable, royalty-free, exclusive worldwide license to reproduce, distribute, copy, display, create derivative works, and publicly post, link to, and share the lean training resources or parts thereof that are to be developed as a result of winning this competition or for any official SBA purpose.

10. *Publicity Rights:* By registering and entering a submission, each Contestant consents to SBA's and its agents' use, in perpetuity, of its name, likeness, photograph, voice, opinions, and/or hometown and state information for promotional or informational purposes through any form of media, worldwide, without further payment or consideration.

11. *Liability and Insurance Requirements:* By registering and entering a submission, each Contestant agrees to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in this Competition, whether the injury, death, damage, or loss arises through negligence or otherwise. By registering

and entering a submission, each Contestant further represents and warrants that it possesses sufficient liability insurance or financial resources to cover claims by a third party for death, bodily injury, or property damage or loss resulting from any activity it carries out in connection with its participation in this Competition, or claims by the Federal Government for damage or loss to Government property resulting from such an activity. Competition winners should be prepared to demonstrate proof of insurance or financial responsibility in the event SBA deems it necessary.

12. *Record Retention and Disclosure:* All submissions and related materials provided to SBA in the course of this Competition automatically become SBA records and cannot be returned. Contestants should identify any confidential commercial information contained in their entries at the time of their submission.

Award Approving Official: Tameka S. Montgomery, Associate Administrator, Office of Entrepreneurial Development, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Authority: America Competes Reauthorization Act of 2010, 15 U.S.C. 3719.

Dated: January 5, 2016.

Tameka Montgomery,

Associate Administrator, Office of Entrepreneurial Development.

[FR Doc. 2016–00302 Filed 1–8–16; 8:45 a.m.]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 9402]

Culturally Significant Objects Imported for Exhibition Determinations: ''Bellissima: Italy and High Fashion 1945–1968'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition ''Bellissima: Italy and High Fashion 1945–1968,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the NSU Art Museum Fort Lauderdale, Fort Lauderdale, Florida, from on about February 7, 2016, until on or about June 19, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: January 4, 2016.

Mark Taplin,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2016–00312 Filed 1–8–16; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 9403]

Culturally Significant Objects Imported for Exhibition Determinations: ''Vigée Le Brun: Woman Artist in Revolutionary France'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition ''Vigée Le Brun: Woman Artist in Revolutionary France,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about February 15, 2016, until on or about May 15, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: January 4, 2016.

Mark Taplin,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2016–00311 Filed 1–8–16; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9401]

Culturally Significant Objects Imported for Exhibition Determinations: ''Munch and Expressionism'' Exhibition

ACTION: Notice, correction.

SUMMARY: On December 16, 2015, notice was published on pages 78283 and 78284 of the **Federal Register** (80 FR 78283) of determinations made by the Department of State pertaining to certain objects to be imported for temporary display in the exhibition ''Munch and Expressionism.'' The referenced notice is hereby corrected as to the expected closing date of the exhibition. The exhibition or display of the exhibit objects is at the Neue Galerie New York, New York, New York, from on or about February 18, 2016, until on or about June 13, 2016, and at possible additional exhibitions or venues yet to be determined. I have ordered that Public Notice of this correction be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: January 5, 2016.

Mark Taplin,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2016–00331 Filed 1–8–16; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 9404]

Notice of Closed Meeting of the Cultural Property Advisory Committee

There will be a closed meeting of the Cultural Property Advisory Committee on Tuesday, February 2 and Wednesday, February 3, 2016, at the Department of State, Annex 5, 2200 C Street NW., Washington, DC.

The Committee will conduct interim reviews of the *Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Archaeological Material from Cambodia from the Bronze Age through the Khmer Era*, and the *Memorandum of Understanding Between the Government of the United States of America and the Government of Belize Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Cultural Heritage of Belize from the Pre-Ceramic (Approximately 9000 B.C.), Pre-Classic, Classic, and Post-Classic Periods of the Pre-Columbian Era Through the Early and Late Colonial Periods.* Public comment, oral and written, will be invited at a time in the future should either or both of these Memoranda of Understanding be proposed for extension.

The Committee's responsibilities are carried out in accordance with provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*). The text of the Act and Memoranda of Understanding, as well as related information, may be found at *http://culturalheritage.state.gov.*

This meeting will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h), the latter of which stipulates that ''The provisions of the Federal Advisory Committee Act . . . shall apply to the [Cultural Property Advisory] Committee except that the requirements of subsections (a) and (b) of section 10 and section 11 of such Act (relating to open meetings, public notice, public participation, and public availability of documents) shall not apply to the Committee, whenever and to the extent it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiation objectives or bargaining positions on the negotiations of any agreement authorized by this chapter.''

Pursuant to law, executive order, and delegation of authority, I have made such a determination.

Dated: January 4, 2016.

Evan Ryan,

Assistant Secretary, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2016–00309 Filed 1–8–16; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP): Notice Regarding the 2015/2016 GSP Annual Product Review

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of hearing and receipt of public comments.

SUMMARY: This notice announces petitions submitted in connection with the 2015/2016 GSP Annual Product Review that have been accepted for further review. This notice also sets forth the schedule for submitting comments and for a public hearing associated with the review of these petitions and products.

FOR FURTHER INFORMATION CONTACT: Aimee Larsen, Director for GSP, Office of the United States Trade Representative, 600 17th Street NW., Washington DC 20508. The telephone number is (202) 395–2974 and the email address is *Aimee_B_Larsen@ustr.eop.gov.*

DATES: The GSP regulations (15 CFR part 2007) provide the schedule of dates for conducting an annual review unless otherwise specified in a notice published in the **Federal Register**. The schedule for the 2015/2016 GSP Annual Product Review is set forth below. Notification of any other changes will be published in the **Federal Register**.

February 19, 2016—Due date for submission of comments, pre-hearing briefs and requests to appear at the GSP Subcommittee Public Hearing on the 2015/2016 GSP Annual Product Review.

March 3–4, 2016—The GSP Subcommittee of the Trade Policy Staff Committee (TPSC) will convene a public hearing on all petitioned product additions, product removals, and competitive needs limitation (CNL) waiver petitions that were accepted for the 2015/2016 GSP Annual Product Review. The hearing will be held in Rooms 1 and 2, 1724 F Street NW., Washington DC 20508, beginning at 9:30 a.m. each day.

March 25, 2016—Due date for submission of post-hearing comments or briefs in connection with the GSP Subcommittee Public Hearing.

April 2016—The U.S. International Trade Commission is expected to publish a public version of its report providing advice on the probable economic effect of the prospective addition and removal of products and granting of CNL waiver petitions considered as part of 2015/2016 GSP Annual Product Review. Comments from interested parties on the USITC report on these products should be posted on *www.regulations.gov* in Docket Number USTR–2015–0013 following the instructions provided below and will be due 10 calendar days after the date of the USITC's publication of the public version of the report.

July 1, 2016—Effective date for any modifications that the President proclaims to the list of articles eligible for duty-free treatment under the GSP resulting from the 2015/2016 Annual Product Review and for determinations related to CNL waivers.

SUPPLEMENTARY INFORMATION: The GSP program provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries. The GSP program is authorized by Title V of the Trade Act of 1974 (19 U.S.C. 2461, *et seq.*), as amended (1974 Act), and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and Presidential Proclamations.

Petitions Requesting Modifications of Product Eligibility

In a notice published in the **Federal Register** on August 19, 2015 (80 FR 50377), the Office of the U.S. Trade Representative (USTR) announced the initiation of the 2015/2016 GSP Annual Review and indicated that the interagency GSP Subcommittee of the TPSC was prepared to receive petitions to modify the list of products that are eligible for duty-free treatment under the GSP program and petitions to waive CNLs on imports of certain products from specific beneficiary countries. On November 17, 2015, USTR announced that the deadline for the filing of CNL waiver petitions had been extended to December 4, 2015 (80 FR 73868 and 80 FR 71913).

The GSP Subcommittee of the TPSC has reviewed the product and CNL waiver petitions submitted in response to these announcements, and has decided to accept for review 23 petitions to add a product to the list of those eligible for duty-free treatment

under GSP, 3 petitions to remove a product from GSP eligibility for certain GSP beneficiary countries, and 8 petitions to waive CNLs.

A list of petitions and products accepted for review is posted on the USTR Web site at *https://ustr.gov/issue-areas/preference-programs/generalized-system-preferences-gsp/current-reviews/gsp-2015-annual* under the title ''Petitions Accepted in the 2015/2016 GSP Annual Product Review.'' This list can also be found at *www.regulations.gov* in Docket Number USTR–2015–0013. Acceptance of a petition indicates only that the TPSC found that the subject petition warranted further consideration and that a review of the requested action will take place.

The GSP Subcommittee of the TPSC invites comments in support of or in opposition to any petition that has been accepted for the 2015/2016 GSP Annual Product Review. The GSP Subcommittee of the TPSC will also convene a public hearing on these products and petitions. See below for information on how to submit a request to testify at this hearing.

Notice of Public Hearing

The GSP Subcommittee of the TPSC will hold a two-day hearing on Thursday, March 3, 2016, and Friday, March 4, 2016 beginning at 9:30 a.m. each day, for products and petitions accepted for the 2015/2016 GSP Annual Product Review. The hearing will be held at 1724 F Street NW., Washington DC 20508 and will be open to the public. A transcript of the hearing will be made available on *www.regulations.gov* approximately two weeks after the hearing.

All interested parties wishing to make an oral presentation at the hearing must submit, following the ''Requirements for Submissions'' set out below, the name, address, telephone number, and email address (if available), of the witness(es) representing their organization by 5 p.m., Friday, February 19, 2016. Requests to present oral testimony in connection with the public hearing must be accompanied by a written brief or summary statement, in English, and also must be received by 5 p.m., Friday, February 19, 2016. Oral testimony before the GSP Subcommittee will be limited to five-minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. Post-hearing briefs or statements will be accepted if they conform with the regulations cited below and are submitted, in English, by 5 p.m., Friday, March 25, 2016. Parties not wishing to appear at the public hearing may submit pre-hearing and post-hearing briefs or comments by the aforementioned deadlines.

Requirements for Submissions

Submissions in response to this notice (including requests to testify, written comments, and pre-hearing and post-hearing briefs) must be submitted by the applicable deadlines set forth in this notice. All submissions must be made in English and submitted electronically via *http://www.regulations.gov,* using docket number USTR–2015–0013. Hand-delivered submissions will not be accepted. To make a submission using *http://www.regulations.gov,* enter docket number USTR–2015–0013 in the ''Search for'' field on the home page and click ''Search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''Notice'' under ''Document Type'' in the ''Filter Results by'' section on the left side of the screen and click on the link entitled ''Comment Now.'' The *http://www.regulations.gov* Web site offers the option of providing comments by filling in a ''Type Comment'' field or by attaching a document using the ''Upload file(s)'' field. The Subcommittee prefers that submissions be provided in an attached document and, in such cases, that parties note ''See attached'' in the ''Type Comment'' field on the online submission form. At the beginning of the submission, or on the first page (if an attachment) should be the following text (in bold and underlined): (1) ''2015/2016 GSP Annual Product Review;'' (2) the product description and related HTS tariff number; and (3) whether the document is a ''Written Comment,'' ''Notice of Intent to Testify,'' ''Pre-hearing brief,'' or a ''Post-hearing brief.'' Submissions should not exceed 30 single-spaced, standard letter-size pages in 12-point type, including attachments. Any data attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Each submitter will receive a submission tracking number upon completion of the submissions procedure at *http://www.regulations.gov.* The tracking number will be the submitter's confirmation that the submission was received into *http://www.regulations.gov.* The confirmation should be kept for the submitter's records. USTR is not able to provide technical assistance for the Web site. Documents not submitted in accordance with these instructions may not be considered in this review. If unable to provide submissions as requested, please contact the GSP Program at USTR to arrange for an alternative method of transmission.

Business Confidential Submissions

An interested party requesting that information contained in a submission be treated as business confidential information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such. The submission must be marked ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential. Additionally, ''Business Confidential'' must be included in the ''Type Comment'' field. For any submission containing business confidential information, a non-confidential version must be submitted separately (*i.e.,* not as part of the same submission with the confidential version), indicating where confidential information has been redacted. The non-confidential version will be placed in the docket and open to public inspection.

Public Viewing of Review Submissions

Submissions in response to this notice, except for information granted ''business confidential'' status under 15 CFR 2003.6, will be available for public viewing pursuant to 15 CFR 2007.6 at *http://www.regulations.gov* upon completion of processing, usually within two weeks of the relevant due date or date of the submission. Public versions of all documents relating to the 2015/2016 Annual Product Review will be made available for public viewing in docket USTR–2015–0013 at *www.regulations.gov* upon completion of processing.

William D. Jackson,

Deputy Assistant U.S. Trade Representative for the Generalized System of Preferences, Office of the U.S. Trade Representative.

[FR Doc. 2016–00088 Filed 1–8–16; 8:45 am]

BILLING CODE 3290–F6–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2015–0022]

2016 Special 301 Review: Identification of Countries Under Section 182 of the Trade Act of 1974: Request for Public Comment and Announcement of Public Hearing

AGENCY: Office of the United States Trade Representative.

ACTION: Request for written submissions from the public and announcement of public hearing.

SUMMARY: Section 182 of the Trade Act of 1974 (Trade Act) requires the United States Trade Representative (Trade Representative) to identify countries that deny adequate and effective protection of intellectual property rights (IPR) or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. The provisions of Section 182 are commonly referred to as the ''Special 301'' provisions of the Trade Act. The Trade Act requires the Trade Representative to determine which, if any, of these countries to identify as Priority Foreign Countries. Acts, policies, or practices that are the basis of a country's identification as a Priority Foreign Country can be subject to the procedures set out in sections 301–305 of the Trade Act.

In addition, the Office of the United States Trade Representative (USTR) has created a ''Priority Watch List'' and ''Watch List'' to assist the Administration in pursuing the goals of the Special 301 provisions. Placement of a trading partner on the Priority Watch List of Watch List indicates that particular problems exist in that country with respect to IPR protection, enforcement or market access for persons that rely on intellectual property protection. Trading partners placed on the Priority Watch List are the focus of increased bilateral attention concerning the problem areas.

USTR chairs the Special 301 Subcommittee (Subcommittee) of the Trade Policy Staff Committee. The Subcommittee reviews information from many sources, and consults with and makes recommendations to the Trade Representative on issues arising under Special 301. Written submissions from the public are a key source of information for the Special 301 review process. In 2015, USTR again will conduct a public hearing as part of the review process as well as offer the opportunity, as described below, for hearing participants to provide additional information relevant to the review. At the conclusion of the process, USTR will publish the results of the review in a ''Special 301'' Report.

USTR is hereby requesting written submissions from the public concerning foreign countries that deny adequate and effective protection of intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. USTR requests that interested persons provide the information described below in the ''Public Comments'' section, and identify whether a particular trading partner should be named as a Priority Foreign Country under Section 182 of the Trade Act or placed on the Priority Watch List or Watch List. Foreign governments that have been identified in previous Special 301 Reports or that are nominated for review in 2016 are considered interested parties, and are invited to respond to this request for public submissions. Interested persons and foreign governments wishing to submit information to be considered during the review or testify at the public hearing must adhere to the procedures and deadlines stet forth below.

DATES: The schedule and deadlines for the 2016 Special 301 review are as follows:

Friday, February 5, 2016 at midnight EST—Deadline for interested persons to submit written comments, notices of intent to testify at the Special 301 Public Hearing, and Hearing statements.

Friday, February 19, 2016 at midnight EST—Deadline for foreign governments to submit written comments, notices of intent to testify at the Special 301 Public Hearing, and although not mandatory, any prepared hearing statements.

Tuesday, March 1, 2016—Public Hearing—The Special 301 Subcommittee will hold a public hearing for interested persons, including representatives of foreign governments, at the Office of the United State Trade Representative, 1724 F Street, NW., Rooms 1&2, Washington, DC 20508. If necessary, the hearing may continue on the next business day. Please consult the USTR Web site for confirmation of the date and location and the schedule of witnesses.

Friday, March 4, 2016 at midnight EST—Deadline for submitting post-hearing written comments. Interested persons who testified at the public hearing may provide written comments after the hearing. To ensure consideration, comments must be received no later than Friday, March 4, 2016. Please submit additional written comments electronically via *www.regulations.gov,* docket number USTR–2015–0022.

On or about April 30, 2016—USTR will publish the 2016 Special 301 Report within 30 days of the publication of the National Trade Estimate (NTE) Report.

ADDRESSES: All written comments, notices of intent to testify at the public hearing, hearing statements and post-hearing written responses must be in English and submitted electronically via *www.regulations.gov,* Docket Number USTR–2015–0022. Please specify ''2016 Special 301 Review'' in the ''Type Comment'' field.

FOR FURTHER INFORMATION CONTACT: Christine Peterson, Director for Intellectual Property and Innovation, Office of the United States Trade Representative, at *Special301@ustr.eop.gov.* Information on the Special 301 Review is available at *www.ustr.gov.*

SUPPLEMENTARY INFORMATION:

1. Background

USTR requests that interested persons identify through the process outlined in this notice those countries whose acts, policies, or practices deny adequate and effective protection for intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection.

Section 182 further requires the Trade Representative to identify any act, policy, or practice of Canada that affects cultural industries, is adopted or expanded after December 17, 1992, and is actionable under Article 2106 of the North American Free Trade Agreement (NAFTA). The public is invited to submit views relevant to this aspect of the review.

Section 182 requires the Trade Representative to identify all such acts, policies, or practices within 30 days of the publication of the NTE Report. In accordance with this statutory requirement, USTR will publish the annual Special 301 Report on or about April 30, 2016.

2. Comments From the Public

a. Requirements for Written Comments

To facilitate the review, written comments should be as detailed as possible and provide all necessary information for identifying and assessing the effect of the acts, policies, and practices. USTR requests that interested parties provide specific references to laws; regulations; policy statements, including innovation policies; executive, presidential or other orders; and administrative, court or other determinations that should factor in the review. USTR also requests that, where relevant, submissions mention

particular regions, provinces, states, or other subdivisions of a country in which an act, policy, or practice is believed to warrant special attention. Finally, submissions proposing countries for review should include data, loss estimates, and other information regarding the economic impact on the United States, U.S. industry and the U.S. workforce caused by the denial of adequate and effective intellectual property protection. Comments that include quantitative loss claims should be accompanied by the methodology used in calculating such estimated losses.

b. Filing Instructions

Comments must be in English. All comments should be sent electronically via *www.regulations.gov,* docket number USTR–2015–0022. To submit comments, locate the docket (folder) by entering the number USTR–2015–0022 in the ''Enter Keyword or ID'' window at the *www.regulations.gov* home page and click ''Search.'' The site will provide a search-results page listing all documents associated with this docket. Locate the reference to this notice by selecting ''Notice'' under ''Document Type'' on the left side of the search-results page, and click on the link entitled ''Comment Now!.'' USTR requests that comments be provided in an attached document, and that the file be named according to the following protocol, as appropriate: Commenter Name or Organization_2016 Special 301_Review_Comment or Notice of Intent to Testify or Hearing Testimony. Please include the following information in the 'Type Comment'' field: ''2016 Special 301 Review'' and whether the submission is a comment, a request to testify at the Public Hearing, or Hearing testimony. Please submit documents prepared in (or compatible with) Microsoft Word (.doc) or Adobe Acrobat (.pdf) formats. If the submission was prepared in a compatible format, please indicate the name of the relevant software application in the ''Type Comment'' field. For further information on using the *www.regulations.gov* Web site, please select ''How to Use Regulations.gov'' on the bottom of any page.

3. Public Hearing

a. Notice of Public Hearing

The Special 301 Subcommittee will hold a public hearing on March 1, 2016, at Office of the United State Trade Representative, 1724 F Street NW., Rooms 1&2, Washington, DC 20508, at which interested persons, including representatives of foreign governments, may appear to provide oral testimony. If necessary, the hearing may continue on the next business day. The hearing will be open to the public. Because the hearings will be located in Federal facilities, security screening will be required. Attendees will need to show photo identification and be screened for security purposes. Please consult *www.ustr.gov* to confirm the date and location of the hearing and to obtain copies of the hearing schedule. USTR also will post the transcript and recording of the hearing on the USTR Web site as soon after the hearing as possible.

b. Submission of Notice of Intent To Testify and Hearing Statements

Prepared oral testimony before the Special 301 Subcommittee must be delivered in person, in English, and will be limited to five minutes. Subcommittee member agencies may ask questions following the prepared statement. Persons, except representatives of foreign governments, wishing to testify at the hearing must submit a ''Notice of Intent to Testify'' and ''Hearing Statement'' to *www.regulations.gov* (following the procedures set forth in ''Filing Instructions'' above). The filing deadline is Friday, February 5, 2016. The Notice of Intent to Testify must include the name of the witness, name of the organization (if applicable), address, telephone number, fax number, and email address. A Hearing Statement must accompany the Notice of Intent to Testify. There is no requirement regarding the length of the Hearing Statement; however, the content of the testimony must be relevant to the Special 301 Review.

All representatives of foreign governments that wish to testify at the hearing must submit a ''Notice of Intent to Testify'' to *www.regulations.gov* (following the procedures set forth in ''Filing Instructions'' above). The Notice of Intent to Testify must be filed by Friday, February 19, 2015, and include the name of the witness, name of the organization (if applicable), address, telephone number, fax number, and email address. Although not mandatory, government witnesses may submit a Hearing Statement when filing the Notice of Intent to Testify.

4. Business Confidential Information

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. The filenames of both documents should reflect their status—''BCI'' for the business confidential version and ''PUBLIC'' for the public version. In the document, confidential business information must be clearly designated as such, the submission must be marked ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and each succeeding page, and the submission should indicate, via brackets, the specific information that is confidential.

Additionally, the submitter should write ''Business Confidential'' in the ''Type Comment'' field. Anyone submitting a comment containing business confidential information must also submit, as a separate submission, a nonbusiness confidential version of the submission, indicating where the business confidential information has been redacted. The non-business confidential version will be placed in the docket at *www.regulations.gov* and be available for public inspection.

5. Inspection of Comments

USTR will maintain a publicly accessible docket for the 2016 Special 301 Review. This public file will include all non-business confidential comments, notices of intent to testify, and hearing statements that USTR receives from the public, including foreign governments, in conjunction with the 2016 Special 301 Review. Comments will be placed in the docket upon receipt and be open to public inspection pursuant to 15 CFR 2006.13. Comments containing confidential business information are exempt from public inspection in accordance with 15 CFR 2006.15. However, USTR will require submission of non-business confidential versions of such documents, as described above, and will post non-business confidential versions to the public docket. Comments may be viewed at *www.regulations.gov* by entering docket number USTR–2015–0022 in the search field on the home page.

Probir Mehta,

Acting Assistant United States Trade Representative (AUSTR) for Intellectual Property and Innovation, Office of the United States Trade Representative.

[FR Doc. 2015–33278 Filed 1–8–16; 8:45 am]

BILLING CODE 3290–F5–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Application for Employment With the Federal Aviation Administration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to revise a currently approved information collection. The information collected is used to evaluate the qualifications of applicants for a variety of positions within the FAA. The FAA seeks to remove a duplicative questionnaire.

DATES: Written comments should be submitted March 14, 2016.

ADDRESSES: Send comments to the FAA at the following address: Ronda Thompson, Room 441, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

PUBLIC COMMENTS INVITED: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0597.

Title: Application for Employment with the Federal Aviation Administration.

Form Numbers: There are no FAA forms associated with this collection. Information is collected via the Office of Personnel Management (OPM) online USAJOBS system and the FAA's Automated Vacancy Information Access Tool for Online Referral (AVIATOR) staffing tool.

Type of Review: Revision of an information collection.

Background: Under the provisions of Public Law 104–50, the Federal Aviation Administration (FAA) was given the authority and the responsibility for developing and implementing its own personnel system. The agency requests certain information needed to determine basic eligibility for employment and potential eligibility for veteran's preference and Veteran's Readjustment Act appointments. In addition, occupation specific questions assist us in determining candidates' qualifications so that we may hire only the best-qualified candidates for our many aviation safety-related occupations. The FAA seeks to remove the ''How did you hear about this job'' questionnaire since the questionnaire is being added to OPMs online USAJOBS system.

Respondents: Approximately 118,000 annually.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1.5 hours.

Estimated Total Annual Burden: 177,000 hours.

Issued in Washington, DC on January 5, 2016.

Ronda Thompson,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2016–00317 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certificated Training Centers—Simulator Rule

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a currently approved information collection. To determine regulatory compliance, there is a need for airmen to maintain records of certain training and recency of experience; a training center has to maintain records of student's training, employee qualification and training, and training program approvals.

DATES: Written comments should be submitted by March 11, 2016.

ADDRESSES: Send comments to the FAA at the following address: Ronda Thompson, Room 441, Federal Aviation Administration, ASP–110, 950 L'Enfant Plaza SW., Washington, DC 20024.

PUBLIC COMMENTS INVITED: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson at (202) 267–1416, or by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0570.

Title: Certificated Training Centers—Simulator Rule.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: 14 CFR 142.73 requires that training centers maintain records for a period of one year to show trainee qualifications for training, testing, or checking, training attempts, training checking, and testing results, and for one year following termination of employment the qualification of instructors and evaluators providing those services. The information is maintained by the certificate holder and subject to review by aviation safety inspectors (operations), designated to provide surveillance to training centers to ensure compliance with airman training, testing, and certification requirements specified in other parts of the 14 CFR.

Respondents: Approximately 113 training centers and associated satellite facilities.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1,177.6 hours.

Estimated Total Annual Burden: 126,092 hours.

Issued in Washington, DC on January 5, 2016.

Ronda Thompson,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2016–00316 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Burlington International Airport; South Burlington, Vermont

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps for Burlington International Airport, as submitted by the City of Burlington, Vermont, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and 14 CFR part 150, are in compliance with applicable requirements.

DATES: The effective date of the FAA's determination on the noise exposure maps is December 22, 2015.

FOR FURTHER INFORMATION CONTACT: Richard Doucette, Federal Aviation Administration, New England Region, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Burlington International Airport are in compliance with applicable requirements of Part 150, effective December 22, 2015.

Under Section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps that meet applicable regulations and that depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted such noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulation (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval that sets forth the measures the operator has taken, or proposes, for the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure map and related descriptions submitted by the City of Burlington, Vermont. The specific maps under consideration were ''Figure 12, 2015 Existing Conditions Noise Exposure Map'' and ''Figure 13, 2020 Forecast Conditions Noise Exposure Map'' in the submission. The FAA has determined that these maps for Burlington International Airport are in compliance with applicable requirements. This determination is effective on December 22, 2015.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of a noise exposure map. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted the map or with those public agencies and planning agencies with which consultation is required under Section 103 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations:

Burlington International Airport, 1200 Airport Drive #1, South Burlington, Vermont 05403.

Federal Aviation Administration, New England Region, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

Questions may be directed to the individual named above under the heading: **FOR FURTHER INFORMATION CONTACT**.

Issued in Burlington, Massachusetts on December 22, 2015.

Richard P. Doucette,

Environmental Program Manager, FAA New England Region, Airports Division.

[FR Doc. 2016–00308 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Office of Commercial Space Transportation; Notice of Extension of Public Scoping Comment Period for the Spaceport Camden Environmental Impact Statement.

AGENCY: DOT, Federal Aviation Administration (FAA), lead Federal agency; and National Aeronautics and Space Administration, and National Park Service, cooperating agencies.

ACTION: Notice of extension of public scoping comment period.

SUMMARY: A Notice of Intent to prepare an Environmental Impact Statement, open a public scoping period, and hold a public scoping meeting for the proposed Spaceport Camden was published in the **Federal Register** by the Federal Aviation Administration on November 6, 2015. The comment period for the Draft EIS was to end on January 4, 2016 (more than 45 days after publication of the Notice of Intent in the **Federal Register**). This notice extends the comment period to January 18, 2016 to allow the public additional time to provide scoping comments.

DATES: Written comments must be received on or before January 18, 2016.

ADDRESSES: Please submit comments, statements, or questions concerning scoping issues or the EIS process to Ms. Stacey M. Zee, FAA Environmental Specialist, Spaceport Camden County EIS c/o Leidos, 20201 Century Boulevard, Suite 105, Germantown, MD 20874. Comments can also be sent by email to *FAACamdenSpaceportEIS@Leidos.com.*

FOR FURTHER INFORMATION CONTACT: Ms. Stacey M. Zee, Environmental Protection Specialist, Federal Aviation Administration, 800 Independence Avenue SW., Suite 325, Washington, DC 20591; email *Stacey.Zee@faa.gov*; or phone (202) 267–9305.

SUPPLEMENTARY INFORMATION: On November 6, 2015, the FAA published a Notice of Intent to prepare an

Environmental Impact Statement, open a public scoping period, and hold a public scoping meeting for the proposed Spaceport Camden in the **Federal Register** and requested comments. The public scoping period was originally scheduled to close on January 4, 2016, but the FAA extended the comment period an additional 14 consecutive days, changing the deadline for submitting public scoping comments from January 4, 2016 to January 18, 2016.

Additional information regarding the proposed project is available online at: *http://www.faa.gov/about/office_org/headquarters_offices/ast/environmental/nepa_docs/review/documents_progress/camden_spaceport/.*

Issued in Washington, DC on January 5, 2016.

Daniel Murray,

Manager, Space Transportation Development Division.

[FR Doc. 2016–00304 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Westfield-Barnes Regional Airport; Westfield, Massachusetts

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps for Westfield-Barnes Regional Airport, as submitted by the City of Westfield, Massachusetts, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150, are in compliance with applicable requirements.

DATES: The effective date of the FAA's determination on the noise exposure maps is December 22, 2015.

FOR FURTHER INFORMATION CONTACT: Richard Doucette, Federal Aviation Administration, New England Region, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Westfield-Barnes Regional Airport are in compliance with applicable requirements of Part 150, effective December 22, 2015.

Under Section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps that meet applicable regulations and that depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted such noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulation (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval that sets forth the measures the operator has taken, or proposes, for the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure map and related descriptions submitted by Westfield, Massachusetts. The specific maps under consideration were ''Figure 3–9. DNL Contours for Average Daily Aircraft Operations for CY2015'' and ''Figure 4–1. DNL Contours for Average Daily Aircraft Operations for CY2020 NEM'' in the submission. The FAA has determined that these maps for Westfield-Barnes Regional Airport are in compliance with applicable requirements. This determination is effective on December 22, 2015.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of a noise exposure map. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted the map or with those public agencies and planning agencies with which consultation is required under Section 103 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations:

Westfield-Barnes Regional Airport, 110 Airport Drive, Westfield MA 01085.

Federal Aviation Administration, New England Region, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

Questions may be directed to the individual named above under the heading: **FOR FURTHER INFORMATION CONTACT.**

Issued in Burlington, Massachusetts on December 22, 2015.

Richard P. Doucette,

Environmental Program Manager, FAA New England Region, Airports Division.

[FR Doc. 2016–00299 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2009–0294; FMCSA–2011–0326; FMCSA–2011–0327; FMCSA–2011–0367; FMCSA–2013–0192]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions of 36 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. FMCSA has statutory authority to exempt individuals from this rule if the exemptions granted will not

compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: Each group of renewed exemptions are effective from the dates stated in the discussions below. Comments must be received on or before February 10, 2016.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. FMCSA–2009–0294; FMCSA–2011–0326; FMCSA–2011–0327; FMCSA–2011–0367; FMCSA–2013–0192, using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are from 8 a.m. to 5:30 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 36 individuals listed in this notice have recently become eligible for a renewed exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. The drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

Exemption Decision

This notice addresses 36 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. These 36 drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. Therefore, FMCSA has decided to extend each exemption for a renewable two-year period. Each individual is identified according to the renewal date.

The exemptions are renewed subject to the following conditions: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual submit an annual ophthalmologist's or optometrist's report; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. The following groups of drivers received renewed exemptions in the month of February and are discussed below.

As of February 6, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 6 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (76 FR 79756; 77 FR 5873):

Howard A. Betz (OH)
Kevin J. Coppens (ME)
Frank H. Ford, Jr. (PA)
Daniel R. Harris (TX)
Joseph L. Owings (AL)
Jerry H. Small (NC)

The drivers were included in Docket No. FMCSA–2011–0326. Their exemptions are effective as of February 6, 2016 and will expire on February 6, 2018.

As of February 10, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 6 individuals, have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 78720; 77 FR 7232):

Steve R. Fortunat (NJ)
Kenneth J. Hill (OH)
Cecil T. Keith (GA)
Frank E. Ray (KS)
Stanley L. Rybarcyzk (IL)
Gene A. Willias (WV)

The drivers were included in Docket No. FMCSA–2011–0327. Their exemptions are effective as of February 10, 2016 and will expire on February 10, 2018.

As of February 12, 2015, and in accordance with 49 U.S.C. 31136(e) and

31315, the following individual, Guy B. Mayes (WA) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 78479; 79 FR 13086).

The driver was included in Docket No. FMCSA–2013–0192. The exemption is effective as of February 12, 2016 and will expire on February 12, 2018.

As of February 22, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (77 FR 533; 77 FR 10607):

Garry L. Camden (IN)
Loren A. Cox (NY)
Darryl F. Gilbertson (WI)
Alfred Gutierrez II (OK)
Matthew D. Hulse (KS)
Neil E. Karvonen (WA)
Damon A. Kruger (CO)
Earl T. Morton, Jr. (VA)
Richard A. Norstebon (ND)
Donald J. Olbinski (IL)
Kevin E. Risley (IN)

The drivers were included in Docket No. FMCSA–2011–0367. Their exemptions are effective as of February 22, 2016 and will expire on February 22, 2018.

As of February 24, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (78 FR 68092; 79 FR 8182):

Daniel C. Druffel (WA)
Gregory J. Godley (WA)
Troy A. Gortmaker (SD)
Charles M. Griswold (MA)
Justin R. Henneinke (CA)
William R. Huntley (MI)
Joseph I. Kulp (PA)
Kevin R. Mooney (WA)
Daniel D. Neale (CA)
Richard L. Sulzberger (IL)
Dirk Vanstralen (CA)

The drivers were included in Docket No. FMCSA–2009–0294. Their exemptions are effective as of February 24, 2016 and will expire on February 24, 2018.

As of February 27, 2015, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual, Charles R. Clayton (NJ) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 78479; 79 FR 13086).

The driver was included in Docket No. FMCSA–2013–0192. The exemption is effective as of February 27, 2016 and will expire on February 27, 2018.

Each of the 36 drivers in the aforementioned groups qualifies for a renewal of the exemption. They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of the 36 drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption. The drivers were included in docket numbers FMCSA–2009–0294; FMCSA–2011–0326; FMCSA–2011–0327; FMCSA–2011–0367; FMCSA–2013–0192.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by February 10, 2016.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 36 individuals from rule prohibiting persons with ITDM from operating CMVs in interstate commerce in 49 CFR 391.41(b)(3). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the medical condition of each applicant for an exemption from rule prohibiting persons with ITDM from operating CMVs in interstate commerce. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–2009–0294; FMCSA–2011–0326; FMCSA–2011–0327; FMCSA–2011–0367; FMCSA–2013–0192 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2009–0294; FMCSA–2011–0326; FMCSA–2011–0327; FMCSA–2011–0367; FMCSA–2013–0192 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Dated: December 29, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–00295 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0056]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 59 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions were granted November 3, 2015. The exemptions expire on November 3, 2017.

FOR FURTHER INFORMATION CONTACT: Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On October 1, 2015, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (80 FR 59230). That notice listed 59 applicants' case histories. The 59 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 59 applications on their merits and made a determination to grant exemptions to each of them.

III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 59 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, aphakia, bullous keratopathy, cancerous tumor, cataract, central pigment epithelial atrophy, central retinal detachment, central serous retinopathy, central vision loss, chorioretinal scar, Coat's exudative, complete loss of vision, corneal scar, decreased vision, glaucoma, Lasik surgery complication, macular degeneration, macular hole, macular scar, optic atrophy, optic neuropathy, optic nerve coloboma, phthisis bulbi, prosthetic eye, refractive amblyopia, retinal detachment, retinal scar, traumatic cataract, and vein occlusion. In most cases, their eye conditions were not recently developed. Thirty-five of the applicants were either born with their vision impairments or have had them since childhood.

The 24 individuals that sustained their vision conditions as adults have had it for a range of 3 to 39 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 59 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging for 0 to 55 years. In the past three years, 2 drivers were involved in crashes, and 3 drivers were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the October 1, 2015 notice (80 FR 59230).

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis

focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 59 applicants, 2 drivers were involved in crashes, and 3 drivers were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 59 applicants listed in the notice of October 1, 2015 (80 FR 59230).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 59 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following:

(1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Discussion of Comments

FMCSA received 6 comments in this proceeding. Samuel Byler, Andrea Gonzalez, and an anonymous commenter are in favor of all drivers on the notice receiving vision exemptions. An anonymous commenter stated that the requirements for a vision exemption should be more stringent. Steve Riney is in favor of granting a vision exemption to Richard Parker and Steve Wilson is in favor of granting a vision exemption to Harjot Aujla.

IV. Conclusion

Based upon its evaluation of the 59 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)):

Steven B. Anderson (ID), Harjot S. Aujla (WA), Thomas B. Berger (PA), Jay E. Biggers (ID), Timothy A. Bohling (CO), Brian M. Bowman (TN), Gary Bozowski (NJ), Timothy V. Burke (CO), Timothy J. Burleson (IL), Robert J. Burns (KY), Richard A. Congdon, Jr. (OR), James E. Copp (PA), Jose C. Costa (WA), Thomas P. Davidson (NJ), Mark Davis (ME), Stephen W. Deminie (TX), Brad M. Donald (MI), Robert L. Ecker (MD), John A. Gartner (MN), Brian W. Gillund

(MN), Glenn F. Gorsuch (OH), Keith N. Hall (UT), Steven E. Hayes (IN), Francisco Hernandez, Jr. (NM), Mervin M. Hershberger (WI), Dean M. Hobson (IL), Timmy R. Holley (PA), David E. Hopson (TX), Amos S. Hostetter, Jr. (OH), Isadore Johnson, Jr. (NY), William J. Kelly (CT), Stephen C. Linardos (FL), Daniel C. Linares (CA), Ray J. Liner (LA), Robert E. Mayers (MN), Kraig P. Middleton (MI), James G. Miles (TN), Rogelio Rocha Monjaraz (MD), Pablo R. Murillo (TX), Wayne Nicolaisen (PA), John R. Ogno (NJ), Richard A. Parker II (KS), Vincent E. Perkins (MA), John R. Price (AR), Francis D. Reginald, Jr. (NJ), Juan A. Rodriguez (CT), Roger D. Rogers (PA), Robert E. Rohrer (PA), David L. Roth (SD), James O. Russell, Jr. (OH), Ronald B. Salter (MS), Michael J. Schmelzle (KS), Ralph J. Schmitt (CO), Charles D. Theademan (WA), Dwight Tullis (IL), Arnulfo J. Valenzuela (TX), Danny L. Watson (TN), Lorenzo A. Williams (DE), William E. Zezulka (MN).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: December 30, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–00294 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0139]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated September 22, 2015, the National Railroad Passenger Corporation (Amtrak) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 238, Passenger Equipment Safety Standards. FRA assigned the petition Docket Number FRA–2015–0139.

Amtrak seeks a temporary waiver of compliance from the requirements of 49 CFR 238.115(b)(1)(2), which covers ''marking and instructions for emergency egress and rescue access,'' and references APTA PR–E–S_013–99, Rev. 1, ''Standard for Emergency Lighting System Design for Passenger Cars,'' for a period of 12 months until December 31, 2016. Amtrak is seeking this temporary relief as it works to bring 70 percent of its passenger rolling stock fleet that was ordered prior to September 8, 2000, and placed in service prior to September 9, 2002, into compliance with the emergency lighting requirements. Amtrak justifies the need for this deadline extension because it will need to test between 201 and 408 cars across its fleets located at multiple locations spanning geographic areas from the East Coast to the West Coast as outlined in its petition. Amtrak indicates that this 70-percent modification goal may require modification to as many as 1,200 of the passenger cars listed in its petition (the comprehensive listing of equipment includes Acela, TALGO, Surfliners, Comets, Heritage, Superliner 1, Superliner 2, Amfleet 1, Amfleet 2, Viewliner, Horizon, Metroliner, LDSL, and various inspection cars).

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number FRA–2015–0139 and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by February 25, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2016–00202 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2016–0001]

Establishment of an Emergency Relief Docket for Calendar Year 2016

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of establishment of public docket (Notice).

SUMMARY: This Notice announces the establishment of FRA's emergency relief docket (ERD) for calendar year 2016. The designated ERD for calendar year 2016 is Docket Number FRA–2016–0001.

ADDRESSES: See Supplementary Information section for further information regarding submitting petitions and/or comments to Docket No. FRA–2016–0001.

SUPPLEMENTARY INFORMATION: On May 19, 2009, FRA published a direct final rule addressing the establishment of ERDs and the procedures for handling

petitions for emergency waivers of safety rules, regulations, or standards during an emergency situation or event. 74 FR 23329. That direct final rule became effective on July 20, 2009, and made minor modifications to Title 49 Code of Federal Regulations (CFR) 211.45, *Petitions for emergency waiver of safety rules,* in FRA's Rules of Practice, published at 49 CFR part 211, Rules of Practice. Title 49 CFR 211.45, Paragraph (b) provides that each calendar year, FRA will establish an ERD in the publicly accessible DOT docket system (available at *http://www.regulations.gov*). Title 49 CFR 211.45, Paragraph (b) further provides that FRA will publish a notice in the **Federal Register** identifying, by docket number, the ERD for that year. As noted in the rule, FRA's purpose for establishing the ERD and emergency waiver procedures is to provide an expedited process for FRA to address the needs of the public and the railroad industry during emergency situations or events. This Notice announces that the designated ERD for calendar year 2016 is Docket Number FRA–2016–0001.

As detailed in 49 CFR 211.45, if the FRA Administrator determines that an emergency event as defined in 49 CFR 211.45(a) has occurred, or that an imminent threat of such an emergency occurring exists, and public safety would benefit from providing the railroad industry with operational relief, the emergency waiver procedures of 49 CFR 211.45 will go into effect. In such an event, the FRA Administrator will issue a statement in the ERD indicating that the emergency waiver procedures are in effect and FRA will make every effort to post the statement on its Web site at *http://www.fra.dot.gov/.* Any party desiring relief from FRA regulatory requirements as a result of the emergency situation should submit a petition for emergency waiver in accordance with 49 CFR 211.45(e) and (f). Specific instructions for filing petitions for emergency waivers in accordance with 49 CFR 211.45 are found at 49 CFR 211.45(f). Specific instructions for filing comments in response to petitions for emergency waivers are found at 49 CFR 211.45(h).

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2016–00262 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2009–0078]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated December 21, 2015, the American Short Line and Regional Railroad Association (ASLRRA) petitioned the Federal Railroad Administration (FRA) for an amended waiver of compliance from certain provisions of the Federal hours of service (HOS) laws contained at 49 U.S.C. 21103(a)(4), which, in part, require a train employee to receive 48 hours off duty after initiating an on-duty period for 6 consecutive days. FRA assigned the petition Docket Number FRA–2009–0078.

In its petition, ASLRRA seeks to amend its existing waiver to add two member railroads, the Plainsman Switching Company and the South Kansas & Oklahoma Railroad Company. The existing HOS waiver was granted in a February 27, 2012, letter from FRA. The waiver allows a train employee to initiate an on-duty period each day for 6 consecutive days followed by 24 hours, rather than 48 hours, off duty.

Each railroad that seeks to be added to the waiver executed a compliance letter, attesting that it complies with all of the employee consent requirements that FRA set forth in its initial March 5, 2010, decision letter. Additionally, each railroad will maintain the underlying employee consent or employee representative consent documents in its files for FRA inspection.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by February 25, 2016 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2016–00201 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Availability of Southwest Light Rail Transit Project Amended Draft Section 4(f) Evaluation

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability and request for comments on the Southwest Light Rail Transit Project Amended Draft Section 4(f) Evaluation.

SUMMARY: This notice announces the availability of the Southwest Light Rail Transit (LRT) Project Amended Draft Section 4(f) Evaluation, which includes preliminary Section 4(f) *de minimis* impact determinations for two newly identified Section 4(f) properties.

DATES: By this notice, FTA requests that comments to the Amended Draft Section 4(f) Evaluation must be received by February 25, 2016.

FOR FURTHER INFORMATION CONTACT: Kathryn Loster, FTA Regional Counsel at (312) 353–3869, *kathryn.loster@dot.gov;* Maya Sarna, FTA Office of Environmental Programs at (202) 366–5811, *maya.sarna@dot.gov*. Comments may be submitted to Nani Jacobson, Assistant Director, Environmental and Agreements, Metro Transit-Southwest LRT Project Office, 6465 Wayzata Boulevard, Suite 500, St. Louis Park, MN 55426 or via email at *swlrt@metrotransit.org*.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FTA is releasing an Amended Draft Section 4(f) Evaluation (Amended Evaluation) for the Southwest LRT Project (Project), evaluating two additional Section 4(f) properties in the City of Minnetonka, Minnesota.

Federal Lead Agency: FTA.

Project Sponsor: Metropolitan Council.

Project Description: The proposed project is a 14.5-mile light rail transit service that would connect downtown Minneapolis to the southwestern region of the metropolitan area through the cities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, Minnesota. The Amended Evaluation includes FTA's preliminary determination of *de minimis* impact on two park properties located within the City of Minnetonka, Minnesota. Pursuant to 23 CFR 774.5, FTA requests public and agency comments only on the two properties discussed in Amended Evaluation. Comments received on the Amended Evaluation and the preliminary Section 4(f) *de minimis* impact determinations will be included, and responded to, in the Project's Final EIS, which will include the Southwest LRT Final Section 4(f) Evaluation.

To obtain a copy of the Amended Evaluation, please visit the Project's Web site at *www.swlrt.org* or by request by contacting Nani Jacobson at *swlrt@metrotransit.org* or Maya Sarna at *maya.sarna@dot.gov*.

Authority: 49 U.S.C. 303.

Issued on: January 11, 2016.

Marisol Simon,

Regional Administrator, FTA, Chicago, Illinois.

[FR Doc. 2016–00267 Filed 1–8–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0121]

Developing Evidence Based Fatigue Risk Management Guidelines for Emergency Medical Services

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) is announcing a meeting that will be held in Washington, DC on February 2nd, 2016 to announce a new initiative and accept comments from the public about the development of voluntary evidence-based guidelines (EBGs) for fatigue risk management tailored to the Emergency Medical Services (EMS) occupation. The meeting will include presentations by NHTSA and the project team. These presentations will address the following: (1) A brief overview of the potential dangers of drowsy and fatigued driving and the work of EMS practitioners, including the risk of traffic crashes and providing patient care; (2) a summary of the project goals and methods for coming to consensus on EBG fatigue risk management guidelines, (3) the plan for dissemination of EBGs, and (4) additional project related activities and information. Due to space limitations, attendance at the meeting is limited to invited participants and those who register in advance. Time for comment and questions from attendees will be included. Written comments can also be made on *http://www.regulations.gov*.

DATES: The meeting will be held on February 2nd, 2016 from 8:00 a.m. to 12:00 p.m.

ADDRESSES: The meeting will be held in the Conference Center of the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Dr. J. Stephen Higgins, Telephone: 202–366–3976; email address: *james.higgins@dot.gov*.

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) is announcing a meeting that will be held in Washington, DC on February 2nd, 2016 to announce a new initiative and accept comments from the public about the development of voluntary evidence-based guidelines (EBGs) for fatigue risk management tailored to the EMS occupation. This initiative (*http://www.ems.gov/pdf/nemsac/2013/NEMSAC-AdvisoryFatigueJan2013.pdf*) was started at the behest of the National Emergency Medical Services Advisory Committee (NEMSAC), a congressionally authorized Federal Advisory Committee; sponsored by NHTSA; and the work performed by the National Association of State EMS Officials (NASEMSO). The fatigue risk management guidelines for the EMS community will be developed by an interdisciplinary team of sleep and fatigue scientists, Evidence Based Guideline (EBG) development specialists, and experts in emergency medicine and EMS. Final results and dissemination are expected within the next two years. The evidence based fatigue risk management guidelines will be widely disseminated across the EMS community through publications, presentations, and at national stakeholder meetings.

The meeting will be attended by members of the project team, the EBG panel, members of the public, and members of the EMS community. The meeting will begin with short presentations by NHTSA staff and the project team discussing the dangers of drowsy and fatigued driving and work, a summary of the project goals and methods for coming to consensus on the guidelines, the eventual dissemination of the guidelines, and additional project related activities. A majority of the time in the meeting will be set aside to accept questions and comments from the registered attendees after the brief initial presentations. This is to ensure that the voluntary fatigue risk management guidelines will address the needs of the entire and diverse EMS community. Due to space limitations, attendance at the meeting is limited to invited participants and those who register in advance. All attendees must bring

government issued identification to gain admittance to the DOT Building. Those who do not register in advance may not be able to attend because of limited space in the DOT Conference Center. To register please contact J. Stephen Higgins by email: *james.higgins@dot.gov* or by phone: 202–366–3976 (email preferred).

Public Comment: Members of the public are encouraged to comment either in person at the meeting or at *http://www.regulations.gov*. In order to allow as many people as possible to provide comments at the meeting, speakers are requested to limit their remarks to 5 minutes. You may submit written comments identified by DOT Docket ID Number NHTSA–2015–0121 using any of the following methods:

Electronic submissions: Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

Mail: Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Fax: 1–(202) 493–2251.

Instructions: Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

Authority: 49 U.S.C. 30182; 23 U.S.C. 403

Mike Brown,

Acting Associate Administrator, Research and Program Development.

[FR Doc. 2016–00296 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Adjustment to Rail Passenger Transportation Liability Cap

AGENCY: Office of the Secretary of Transportation (OST), Department of Transportation (DOT).

ACTION: *Notice.*

SUMMARY: This notice details the adjustment made to the rail passenger transportation liability cap under section 11415 of the Fixing America's Surface Transportation (FAST) Act (December 7, 2015). As a result of the FAST Act, the rail passenger transportation liability cap is raised from $200,000,000 to $294,278,983.

DATES: This adjustment will go into effect 30 days after the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: For further information regarding this notice, please contact Stephanie Lawrence, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 20, Washington, DC 20590; Email: *stephanie.lawrence@dot.gov*; Phone: (202) 493–1376; Fax: (202) 493–6333.

SUPPLEMENTARY INFORMATION:

Notice: The Department of Transportation is publishing the inflation adjusted index factors for the rail passenger transportation liability cap under 49 U.S.C. 28103(a)(2), as directed by section 11415 of the FAST Act. The index methodology ensures that the allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident is based on current dollars and is adjusted for inflation from the $200,000,000 cap that went into effect on December 2, 1997.

Under the FAST Act, the index is adjusted to the date of enactment of the FAST Act using the Bureau of Labor Statistics (BLS) Consumer Price Index-All Urban Consumers. The index is based on the month of the original liability cap and the last full month prior to the enactment of the FAST Act on December 7, 2015 (December 1997 to November 2015, the last available month of the monthly index). Thereafter, the FAST Act directs the Secretary to update the liability cap every fifth year after the date of the FAST Act's enactment. The table below shows the Index and inflator FRA used to calculate an inflation adjusted amount of $294,278,983.

PASSENGER LIABILITY CAP INFLATION ADJUSTED INDEX AND INFLATION FACTOR

Month	Index	Inflator	Liability cap
December 1997	161.30	1.00	$200,000,000
November 2015	237.34	1.47	294,278,983

The adjustment of the rail passenger transportation liability cap to $294,278,983 shall be effective 30 days after the date of publication of this notice.

Anthony R. Foxx,

Secretary of Transportation.

[FR Doc. 2016–00301 Filed 1–8–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Interest Rate Paid on Cash Deposited to Secure U.S. Immigration and Customs; Enforcement Immigration Bonds

AGENCY: Departmental Offices, Treasury.

ACTION: Notice.

SUMMARY: For the period beginning January 1, 2016, and ending on March 31, 2016, the U.S. Immigration and Customs Enforcement Immigration Bond interest rate is 0.14 per centum per annum.

ADDRESSES: Comments or inquiries may be mailed to Sam Doak, Reporting Team Leader, Federal Borrowings Branch, Division of Accounting Operations, Office of Public Debt Accounting, Bureau of the Fiscal Service, Parkersburg, West Virginia, 26106–1328. You can download this notice at the following Internet addresses: *http://www.treasury.gov* or *http://www.federalregister.gov.*

DATES: Effective January 1, 2016 to March 31, 2016.

FOR FURTHER INFORMATION CONTACT: Adam Charlton, Manager, Federal Borrowings Branch, Office of Public Debt Accounting, Bureau of the Fiscal Service, Parkersburg, West Virginia, 26106–1328, (304) 480–5248; Sam Doak, Reporting Team Leader, Federal Borrowings Branch, Division of Accounting Operations, Office of Public Debt Accounting, Bureau of the Fiscal Service, Parkersburg, West Virginia, 26106–1328, (304) 480–5117.

SUPPLEMENTARY INFORMATION: Federal law requires that interest payments on cash deposited to secure immigration bonds shall be ''at a rate determined by the Secretary of the Treasury, except

that in no case shall the interest rate exceed 3 per centum per annum.'' 8 U.S.C. 1363(a). Related Federal regulations state that ''Interest on cash deposited to secure immigration bonds will be at the rate as determined by the Secretary of the Treasury, but in no case will exceed 3 per centum per annum or be less than zero.'' 8 CFR 293.2.

Treasury has determined that interest on the bonds will vary quarterly and will accrue during each calendar quarter at a rate equal to the lesser of the average of the bond equivalent rates on 91-day Treasury bills auctioned during the preceding calendar quarter, or 3 per centum per annum, but in no case less than zero. [FR Doc. 2015–18545] In addition to this Notice, Treasury posts the current quarterly rate in Table 2b—Interest Rates for Specific Legislation on the TreasuryDirect Web site.

Gary Grippo,

Deputy Assistant Secretary for Public Finance.

[FR Doc. 2016–00291 Filed 1–8–16; 8:45 am]

BILLING CODE 4810–25–P

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Federal Register

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JANUARY

CFR PARTS AFFECTED DURING JANUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List December 23, 2015

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