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NUCLEAR REGULATORY COMMISSION

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10 CFR Chapter I

[NRC–2015–0122]

RIN 3150–AJ61

Formatting and Non-Substantive Corrections to Authority Citations

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to better adhere to the Office of Federal Register's (OFR) guidance for formatting authority citations. The NRC is also correcting typographical errors and making other non-substantive corrections to its authority citations. This final rule creates no new requirements and does not alter any right or obligation for persons or entities regulated by the NRC.

DATES: This rule is effective on September 9, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0122 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–2015–0122. Address questions about NRC dockets to Carol Gallagher, telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Cindy Bladey, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280, email: *Cindy.Bladey@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 553 of the Administrative Procedure Act states that when an agency issues notice of a proposed rulemaking, the agency must include ''reference to the legal authority under which the rule is proposed'' (5 U.S.C. 553). The OFR has published regulations in Chapter I of Title 1 of the *Code of Federal Regulations* (CFR) explaining how authority citations should be formatted in the CFR when final rules are codified (1 CFR part 21). The OFR also provides guidance on the proper formatting of statutory and nonstatutory authority citations in its **Federal Register** *Document Drafting Handbook* (October 1998 Revision).[1]

The NRC is amending its regulations in Chapter I of 10 CFR; Chapter XX of 2 CFR, the NRC's policies and procedures for nonprocurement debarment and suspension; and Chapter XLVIII of 5 CFR, the supplemental standards of ethical conduct for NRC employees; to better conform to the OFR's regulations and guidance for the formatting of authority citations. These non-substantive formatting amendments will shorten the NRC's authority citation sections and provide the public with clearer and simpler references to the NRC's statutory and nonstatutory authority. The NRC is also making certain corrections and amendments to the authority citations of these regulations to fix typographical errors, add missing authority citations, or remove redundant authority citations. This rulemaking is corrective in nature and only serves to reformat or clarify already-existing NRC authority citations. This rule does not create any new requirements for NRC stakeholders, nor does it alter any existing right, obligation, or prohibition for persons or entities regulated by the NRC.

II. Summary of Changes

The amendments made in this rule are divided into two categories: Generic formatting changes and part-specific corrections. The generic formatting changes are described in this section, with a list of every CFR part subject to each generic formatting change. Amendments made in this rule that do not fall within the scope of the generic formatting changes are discussed in the part-specific technical corrections section. Such changes are identified within each part with a description of the reason for the change.

A. Generic Formatting Changes

(1) Formatting of authority citations for NRC Significant Statutes. The OFR's guidance states that statutory authority citations should only use the United States Code (U.S.C.) citation and not the popular name of a public law (*e.g.,* ''Atomic Energy Act of 1954''). However, the NRC has historically cited to sections of the agency's organic statutes by popular name, as well as other significant statutes by popular name, in addition to the U.S.C. citation. The NRC's stakeholders are more familiar with these references than their accompanying U.S.C. citations. The NRC has received permission from the OFR to cite to the seven significant statutes identified in Table 1 of this document by the statute's popular name as well as the U.S.C. citation (ADAMS Accession No. ML14265A100). These citations will now include the popular name of the statute (derived from the Popular Names Tool of the Office of the Law Revision Counsel, U.S. House of Representatives) [2] followed by the

[1] See *http://www.archives.gov/federal-register/write/handbook/ddh.pdf.*

[2] See *http://uscode.house.gov/popularnames/popularnames.pdf.*

applicable sections of the statute as codified in the U.S.C.

TABLE 1—SIGNIFICANT STATUTES FOR THE NRC AND THEIR CITATION IN **Federal Register** AUTHORITY CITATIONS FOR REGULATIONS

Statute name	**Federal Register** citation format
Atomic Energy Act of 1954	Atomic Energy Act of 1954, [statute section; U.S.C. citation].
Energy Reorganization Act of 1974	Energy Reorganization Act of 1974, [statute section; U.S.C. citation].
Nuclear Waste Policy Act of 1982	Nuclear Waste Policy Act of 1982, [statute section; U.S.C. citation].
Low-Level Radioactive Waste Policy Amendments Act of 1985	Low-Level Radioactive Waste Policy Amendments Act of 1985, [statute section; U.S.C. citation].
Uranium Mill Tailings Radiation Control Act of 1978	Uranium Mill Tailings Radiation Control Act of 1978, [statute section; U.S.C. citation].
Administrative Procedure Act	Administrative Procedure Act, [U.S.C. citation].
National Environmental Policy Act of 1969	National Environmental Policy Act of 1969, [U.S.C. citation].

The following CFR parts are being amended consistent with this generic formatting change: 5 CFR part 5801; 10 CFR parts 1, 2, 4, 7, 9, 10, 11, 14, 15, 16, 19, 20, 21, 25, 26, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 50, 51, 52, 54, 55, 60, 61, 62, 63 70, 71, 72, 73, 74, 75, 76, 81, 95, 100, 110, 140, 150, 160, 170, and 171.

(2) Removing popular names and public law numbers of non-significant statutes. All authority citations with references to the popular names of statutes not listed in Table 1 of this document are revised to cite only the appropriate U.S.C. section, in conformance with OFR guidance. For example, all citations to the ''Government Paperwork Elimination Act,'' which provided agencies with authority to accept electronic submissions and signatures as a substitute for paper where practicable, is now cited throughout 10 CFR as ''44 U.S.C. 3504 note.''

Additionally, all references to public law numbers or U.S. Statutes at Large are being removed except where U.S.C. citations do not exist (for example, appropriations laws), in conformance with OFR guidance. The following CFR parts are being amended consistent with this generic formatting change: 5 CFR part 5801; 10 CFR parts 2, 4, 9, 11, 12, 13, 14, 15, 16, 19, 20, 21, 25, 26, 30, 31, 32, 33, 34, 35, 36, 39, 40, 50, 51, 52, 54, 55, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 81, 95, 100, 110, 140, 150, 170, and 171.

(3) Relocation of specific ''also issued'' citations for significant statutes. The OFR's guidance states that agencies may provide authority citations for particular subparts or particular sections within the central authority citation for a CFR part (*e.g.,* ''Section 30.7 also issued under 42 U.S.C. 5851''). However, this practice is optional and has in some cases led to lengthy authority citation sections that are difficult to read and comprehend. Additionally, these specific ''also issued'' citations often restate authorities that are already cited for the whole part in the central authority citation, making them redundant. In an effort to provide more concise and clear authority citations, the NRC is no longer using specific ''also issued'' citations that reference any of the significant statutes listed in Table 1 of this document. These authority citations will be reflected generally in the central authority citation. However, the NRC will still use specific ''also issued'' citations that reference authorities not listed in Table 1 of this document, when appropriate. The NRC's stakeholders are less likely to be familiar with such authority, making these specific references more beneficial for the public. The following CFR parts are being amended consistent with this generic formatting change: 10 CFR parts 2, 4, 9, 19, 21, 30, 34, 40, 50, 51, 55, 70, 72, 73, 75, 76, 110, and 150.

(4) Revising or removing all citations to the Energy Policy Act. The Energy Policy Act of 2005, Public Law 109–58, 119 Stat. 594 (2005) (EPAct) is referenced in authority citations throughout 10 CFR. However the EPAct amended certain provisions of the Atomic Energy Act of 1954, the Energy Reorganization Act of 1974, and the Low-Level Radioactive Waste Policy Amendments Act of 1985, among other statutes. The EPAct is not in and of itself a substantive organic statute, but instead is reflected in the amended portions of other statutes. In many cases these statutes already are contained in the authority citation, making the reference to the EPAct redundant. Reference to the EPAct is inconsistent with OFR guidance, which states that popular names of statutes or public law numbers should not be used if the law has been codified in the U.S.C. Therefore, consistent with OFR guidance, all citations to the EPAct have been converted to the corresponding citations of the statute amended by the EPAct, unless the corresponding citations are already included within the central authority citation. Additionally, citations to the EPAct have been removed entirely in some parts, where appropriate; these removals are identified and explained in the Section B, ''Part-specific Corrections,'' of this section. The following CFR parts are being amended consistent with this generic formatting change: 10 CFR parts 20, 30, 31, 32, 33, 34, 35, 36, 40, 50, 52, 60, 61, 62, 63, 70, 71, 72, 73, 76, 110, 140, 150, 170, and 171.

(5) Reformatting citations to Executive Orders. Consistent with OFR guidance, authority citations that reference Executive Orders now include a **Federal Register** citation, as well as a CFR citation. Also, typographical errors in page numbers are being corrected. Executive Orders in the following CFR parts are being amended consistent with this generic formatting change: 2 CFR part 2000; 5 CFR part 5801; 10 CFR parts 10, 15, 25, 54, and 95.

B. Part-Specific Corrections

The following discussion contains a list of the changes made to each authority citation section by this rulemaking that does not fall within the scope of the generic changes previously described, and the reasons for each change.

2 CFR Part 2000

Remove from citation. The reference ''10 U.S.C. 113'' is removed. Section 113 provides authority to the U.S. Department of Defense, not the NRC.

10 CFR Part 1

Revise citation. The citation ''45 FR 40561, June 16, 1980'' is removed and replaced with ''5 U.S.C. Appendix (Reorganization Plans)'' to properly cite

to the correct portion of this appendix in the U.S. Code.

Add to citation. A reference to ''Atomic Energy Act of 1954, sec. 25 (42 U.S.C. 2035)'' is added. Section 25 created the Office of the General Counsel, which is specifically referenced in 10 CFR part 1.

10 CFR Part 2

Add to citation. A reference to ''Atomic Energy Act of 1954, sec. 182 (42 U.S.C. 2232)'' is added. Section 182 provides authority for the Commission to require written statements from applicants or licensees in order to determine whether an application should be granted or denied or whether a license should be modified or revoked, and to require such statements to be made under oath or affirmation. This section provides authority for 10 CFR 2.204, ''Demand for Information.''

A reference to ''Atomic Energy Act of 1954, sec. 187 (42 U.S.C. 2237)'' is added. Section 187 provides authority for the Commission to modify terms and conditions of all licenses, and provides authority for 10 CFR part 2, subpart B, ''Procedure for Imposing Requirements by Order, or for Modification, Suspension, or Revocation of a License, or for Imposing Civil Penalties.''

10 CFR Part 4

Revise citation. The two specific references to ''29 U.S.C. 794'' are removed and replaced with one reference to the statute in the central authority citation to avoid redundancy.

The reference to ''42 U.S.C. 6101'' is revised to ''42 U.S.C. 6101 through 6107'' to properly cite to the entirety of Title III of the Age Discrimination Act.

Remove from citation. The reference to ''29 U.S.C. 706(6)'' is removed because it is a typographical error.

10 CFR Part 7

Revise citation. The reference to ''5 U.S.C. App.'' is revised to ''5 U.S.C. Appendix (Federal Advisory Committee Act)'' for properly cite to the correct portion of this appendix in the U.S. Code.

10 CFR Part 11

Add to citation. A reference to ''Atomic Energy Act of 1954, sec. 223'' is added to provide authority for the ''Criminal penalties'' section.

10 CFR Part 13

Revise citation. The reference to ''Sections 13.13(a) and (b)'' is revised to ''Section 13.13'' to shorten and simplify the authority citation.

Add to citation. A reference to ''31 U.S.C. 3730'' is added to the specific authority citation for Section 13.13 because the statute is explicitly referenced and relied upon in that section.

10 CFR Part 14

Revise citation. The reference to ''Government Paperwork Elimination Act'' is removed and replaced with ''Atomic Energy Act of 1954'' to correct a citation error.

Add to citation. A reference to ''Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841)'' is added. The Energy Reorganization Act of 1974 abolished the Atomic Energy Commission and created the NRC, and transferred all licensing and related regulatory functions from the former to the latter including the authority to conduct rulemaking under Section 161 of the Atomic Energy Act. Therefore, in any authority citation section that includes Section 161 of the Atomic Energy Act, it is appropriate to also include Section 201 of the Energy Reorganization Act to reflect this transfer.

10 CFR Part 19

Remove from citation. The reference to ''Atomic Energy Act of 1954 sec. 186 (42 U.S.C. 2236)'' is removed because it is redundant. Section 186 authorizes the Commission to revoke licenses. The NRC already references Section 186 as authority in 10 CFR parts that provide for the issuance of licenses. References to Section 186 in all 10 CFR parts within which a violation could possibly result in a license revocation is redundant, given that the 10 CFR parts that provide for the issuance of licenses already inform applicants and licensees that their licenses may be revoked for the reasons listed in Section 186, including, in part, for failure to observe any of the terms and provisions of the Atomic Energy Act or the Commission's regulations.

Add to citation. A reference to ''Atomic Energy Act of 1954, sec. 223'' is added to provide authority for the ''Criminal penalties'' section.

10 CFR Part 20

Remove from citation. The reference to ''Atomic Energy Act of 1954 sec. 186 (42 U.S.C. 2236)'' is removed because it is redundant. Section 186 authorizes the Commission to revoke licenses. The NRC already references Section 186 as authority in 10 CFR parts that provide for the issuance of licenses. References to Section 186 in all 10 CFR parts within which a violation could possibly result in a license revocation is redundant, given that the 10 CFR parts that provide for the issuance of licenses already inform applicants and licensees that their licenses may be revoked for the reasons listed in Section 186, including, in part, for failure to observe any of the terms and provisions of the Atomic Energy Act or the Commission's regulations.

The reference to ''Energy Reorganization Act of 1974 sec. 206 (42 U.S.C. 5846)'' is removed. Section 206 requires individual directors or responsible officers of firms constructing, owning, operating, or supplying components for any facility or activity licensed or regulated by the NRC to report defects or failures to comply that may create substantial safety hazards. Part 20 of 10 CFR establishes the standards for protection against ionizing radiation resulting from activities conducted under licenses issued by the NRC. While a defect or failure to comply under Section 206 could result in a violation of 10 CFR part 20 standards, the substantive authority for the promulgation of 10 CFR part 20 is the Atomic Energy Act.

10 CFR Part 21

Add to citation. References to Atomic Energy Act of 1954, secs. 53, 63, 81, 103, and 104 (42 U.S.C. 2073, 2093, 2111, 2133, and 2134) are added. These statutes provide the Commission with authority to license special nuclear material, source material, byproduct material, commercial utilization or production facilities, and utilization facilities for use in medical therapy and research and development, respectively. These statutes also authorize the Commission to issue these licenses subject to such conditions that the Commission may establish by rule or regulation. Part 21 of 10 CFR applies to facilities and activities licensed under other 10 CFR parts that are authorized by these statutes (including but not limited to 10 CFR parts 30, 40, 50, 52, and 70). Therefore, including these statutes within the 10 CFR part 21 authority citation provides a more complete illustration of the Commission's authority to subject various licensees to 10 CFR part 21.

10 CFR Part 26

Remove from citation. The references to ''Atomic Energy Act of 1954 sec. 81'' and ''42 U.S.C. 2112'' are removed because these sections are inapplicable to this part.

The reference to ''Energy Reorganization Act of 1974 sec. 206 (42 U.S.C. 5846)'' is removed. Section 206 requires individual directors or responsible officers of firms constructing, owning, operating, or supplying components for any facility

or activity licensed or regulated by the NRC to report defects or failures to comply that may create substantial safety hazards. Part 26 of 10 CFR establishes the requirements and standards for establishing, implementing, and maintaining a fitness for duty program. While the same licensed activity can be subject to both 10 CFR part 26 fitness for duty requirements and Section 206 reporting requirements, the substantive authority for the promulgation of 10 CFR part 26 is the Atomic Energy Act. The NRC is now referencing Section 206 only in the authority citations of the 10 CFR parts listed in § 21.2, ''Scope.''

10 CFR Part 30

Remove from citation. The reference to ''Atomic Energy Act of 1954 sec. 82 (42 U.S.C. 2112)'' is removed. Section 82 provides authority for the foreign distribution of byproduct material. However, 10 CFR part 30 applies to domestic licensing. Section 82 is instead appropriately referenced in 10 CFR part 110, ''Export and import of nuclear equipment and material.''

10 CFR Parts 31, 32, 33, 34, 35, and 36

Remove from citation. The reference to ''42 U.S.C. 2014'' is removed. Section 2014 (Section 11 of the Atomic Energy Act of 1954) was added to the authority citation as part of the citation to Section 651(e) of the EPAct. The EPAct amended the definition of byproduct material in the Atomic Energy Act; however this revised definition of byproduct material is incorporated into the definitions of 10 CFR part 30, which encompasses licensees under these parts. Part 30 of 10 CFR already references 42 U.S.C. 2014 as authority. Therefore, it is redundant to cite to the statute in these parts. Similarly, the reference to ''42 U.S.C. 2021b'' is removed from these parts. This section (Section 2 of the Low-Level Radioactive Waste Policy Amendments Act of 1985) was also added to the authority citation as part of the citation to Section 651(e) of the EPAct, and is unnecessary in the authority citation for these parts.

The reference to ''42 U.S.C. 5842'' in 10 CFR part 35 is removed because this is a typographical error.

The reference to ''Atomic Energy Act of 1954 sec. 82 (42 U.S.C. 2112)'' in 10 CFR part 36 is removed because Section 82 authorizes the foreign distribution of byproduct material and is inapplicable to this part. The reference to ''Atomic Energy Act of 1954 sec. 186 (42 U.S.C. 2236)'' in 10 CFR part 36 is removed because it is redundant. This section authorizes the Commission to revoke licenses. However, 10 CFR part 36 licensees are subject to the provisions of 10 CFR part 30, which already states that a license issued under 10 CFR parts 31 through 36 and 39 may be revoked (10 CFR 30.61), and the authority citation for 10 CFR part 30 already includes Section 186. Lastly, the reference to ''Energy Reorganization Act of 1974 sec. 202 is (42 U.S.C. 5842)'' in 10 CFR part 36 is removed because the statute is inapplicable to this part.

Add to citation. A reference to ''Energy Reorganization Act of 1974, sec. 206 (42 U.S.C. 5846)'' is added to 10 CFR part 31. Section 206 provides authority for 10 CFR part 21. The general license provided in § 31.8 is subject to the provisions of 10 CFR part 21.

10 CFR Part 37

Add to citation. A reference to ''Atomic Energy Act of 1954, sec. 11 (42 U.S.C. 2014)'' is added. Section 11 is being added in order to be consistent with other parts of 10 CFR that have similarly incorporated the definition of ''byproduct material,'' as revised by the EPAct, that provides the Commission authority to determine new sources of byproduct material if statutory criteria are met.

References to Energy Reorganization Act of 1974, secs. 201 and 202 (42 U.S.C. 5841 and 5842) are added. The Energy Reorganization Act of 1974 abolished the Atomic Energy Commission and created the NRC, and transferred all licensing and related regulatory functions from the former to the latter including the authority to conduct rulemaking under Section 161 of the Atomic Energy Act. Therefore, in any authority citation section that includes Section 161 of the Atomic Energy Act, it is appropriate to also include Section 201 of the Energy Reorganization Act to reflect this transfer. A reference to ''Section 202'' is added because 10 CFR part 37 applies to the facilities listed in that statute if the licensee possesses an aggregated category 1 or category 2 quantity of radioactive material. This is reflected in the definition of ''Person'' in 10 CFR 37.5.

A reference to ''44 U.S.C. 3504 note'' is added because 10 CFR part 37 provides for the use of electronic submissions, as authorized by the Government Paperwork Elimination Act.

10 CFR Part 39

Remove from citation. The reference to ''Atomic Energy Act of 1954 sec. 82 (42 U.S.C. 2112)'' is removed because this section authorizes the foreign distribution of byproduct material and is inapplicable to this part.

The reference to ''Atomic Energy Act of 1954 sec. 186 (42 U.S.C. 2236)'' is removed because it is redundant. Section 186 authorizes the Commission to revoke licenses. However, 10 CFR part 39 licensees are subject to the provisions of 10 CFR part 30, which already states that a license issued under 10 CFR parts 31 through 36 and 39 may be revoked (10 CFR 30.61), and the authority citation for 10 CFR part 30 already includes Section 186.

The reference to ''Energy Reorganization Act of 1974 sec. 202'' is removed because it is inapplicable to this part.

10 CFR Part 40

Add to citation. A reference to ''Atomic Energy Act of 1954, sec. 69 (42 U.S.C. 2099)'' is added. Section 69 prohibits the Commission from licensing the transfer, delivery, receipt possession or title, or import or export of source material if the Commission determines issuance of such a license would be inimical to the common defense and security or the health and safety of the public. This prohibition is incorporated into the general requirements located in 10 CFR 40.32(d).

References to Atomic Energy Act of 1954, secs. 83 and 84 are added because the corresponding U.S.C. citations (42 U.S.C. 2113, 2114, respectively) are already included in the central authority citation.

A reference to ''Uranium Mill Tailings Radiation Control Act of 1978, sec. 104 (42 U.S.C. 7914)'' is added to correct an inadvertent omission. A citation to this Act is appropriate because the Uranium Mill Tailings and Radiation Control Act of 1978 (UMTRCA) addresses the long-term surveillance and monitoring of Title I and Title II uranium mill tailings disposal sites. Title I sites are processing sites that were generally not subject to a specific NRC license. Under Section 104 (42 U.S.C. 7914) of UMTRCA, the NRC is authorized to impose a license on any entity, including the U.S. Department of Energy, that acquires title to or leases all or any portion of a Title I site. Title II sites are licensed under the NRC's Atomic Energy Act, Section 83 authority, which is already included in the authority citation for this part.

Remove from citation. The reference to ''Atomic Energy Act of 1954 sec. 11(e)(2) (42 U.S.C. 2014(e)(2))'' is removed because this subsection does not substantively grant authority to the NRC, but simply defines uranium mill tailings and waste as source material. Authority to license source material is

found in other provisions of the Atomic Energy Act, which are already included in the authority citation.

10 CFR Part 50

Add to citation. A reference to ''Atomic Energy Act of 1954, sec. 187 (42 U.S.C. 2237)'' is added. Section 187 provides that the terms and conditions of all licenses shall be subject to amendment, revision, or modification, by reason of amendments of the Atomic Energy Act, or by reason of rules and regulations issued in accordance with the Atomic Energy Act. This statutory condition is incorporated within 10 CFR 50.54.

A reference to ''Sec. 109, Pub. L. 96–295, 94 Stat. 783'' is added to the general citation for 10 CFR part 50. This law, which was not codified in the U.S.C., directed the NRC to take certain actions regarding emergency preparedness and power reactor operating license issuances, which are now reflected in 10 CFR part 50.

Remove from citation. References to Energy Reorganization Act of 1974 secs. 203 and 204 (42 U.S.C. 5843 and 5844) are removed. These statutes created the Office of Nuclear Reactor Regulation and the Office of Nuclear Material Safety and Safeguards, respectively. While these offices have responsibilities under 10 CFR part 50, in order to maintain consistency with the rest of 10 CFR, the NRC is no longer citing statutes creating individual offices outside of 10 CFR part 1, ''Statement of organization and general information.'' These statutory delegations of authority overlap with the Commission's already existing authority to delegate responsibilities to officers of the agency under Section 161 of the Atomic Energy Act.

10 CFR Part 51

Remove from citation. References to Atomic Energy Act secs. 274 and 1701 (42 U.S.C. 2021 and 2297f) are removed. Section 274 provides the Commission with authority for the Agreement State program and Section 1701 provides the Commission with authority to regulate gaseous diffusion uranium enrichment facilities. While these statutes are referenced within the categorical exclusions of 10 CFR 51.22, they do not provide substantive authority with respect to 10 CFR part 51.

The reference to ''Energy Reorganization Act of 1974 sec. 211 (42 U.S.C. 5851)'' is removed because this section is inapplicable to this part. There are no Employee Protection regulations in 10 CFR part 51.

The reference to ''Pub. L. 95–604, Title II, 92 Stat. 3033–3041'' is removed. This citation refers to Title II of UMTRCA, which amended Atomic Energy Act of 1954, secs. 11, 83, 84, 161, 274, 275. All of these statutes are either already included in the central authority citation or do not provide substantive authority for 10 CFR part 51, which is the NRC's implementation of the National Environmental Policy Act of 1969 (NEPA). Although 10 CFR part 51 is consistent with UMTRCA, it does not provide substantive authority for the part.

10 CFR Part 52

Add to citation. A reference to ''42 U.S.C. 2231'' is added because the corresponding reference to Atomic Energy Act of 1954, sec. 181 is already included in the central authority citation.

10 CFR Part 54

Add to citation. A reference to ''Energy Reorganization Act of 1974, sec. 206'' is added because the corresponding U.S.C. citation (42 U.S.C. 5846) is already included in the central authority citation.

Remove from citation. The reference to ''42 U.S.C. 2135'' is removed because it is a typographical error.

10 CFR Part 55

Add to citation. A reference to ''Atomic Energy Act of 1954, sec. 183 (42 U.S.C. 2233)'' is added. Section 183 provides the Commission with authority to prescribe the form, terms, and conditions of licenses by rule or regulation.

10 CFR Part 60

Remove from citation. The reference to the EPAct (''Energy Policy Act of 2005, Public Law 109–58, 119 Stat. 594 (2005)'') is removed. The EPAct was first added to the 10 CFR part 60 citation in a 2008 rulemaking that modified the requirements for the protection of Safeguards Information (SGI) (73 FR 63546; October 24, 2008). Specifically, the EPAct amended section 149 of the Atomic Energy Act of 1954 to require fingerprinting for a broader class of persons before granting them access to SGI. Section 60.42 of 10 CFR states that licensees shall protect SGI against unauthorized disclosure in accordance with the requirements in 10 CFR part 73; the authority citation for 10 CFR part 73 includes the appropriate citation to Section 149 of the Atomic Energy Act of 1954. Therefore, rather than convert the citation from the EPAct to Section 149 of the Atomic Energy Act, the NRC is removing the citation altogether because it is redundant.

10 CFR Part 61

Remove from citation. The reference to ''42 U.S.C. 2021a'' is removed because the action described in this section of a 1979 appropriations bill no longer applies to the NRC.

The reference to ''Energy Reorganization Act of 1974 sec. 202 (42 U.S.C. 5842)'' is removed because this section is inapplicable to this part, as land disposal facilities are not listed among the facilities in the statute.

10 CFR Part 62

Add to citation. A reference to ''Low-Level Radioactive Waste Policy Amendments Act of 1985, sec. 6 (42 U.S.C. 2021f)'' is added because the statute provides direct authority for the regulations in 10 CFR part 62.

Remove from citation. The references to Atomic Energy Act of 1954 secs. 81 and 274 (42 U.S.C. 2021) are removed. Part 62 of 10 CFR concerns criteria and procedures for emergency access to certain low-level waste disposal facilities. Section 81 of the Atomic Energy Act of 1954 provides the Commission with authority to license byproduct material, and Section 274 provides authority for the Agreement States program. Both statutes are relevant in the context of the regulation of low-level waste disposal facilities, but neither provide substantive authority for the promulgation of 10 CFR part 62.

The reference to ''Energy Reorganization Act of 1974 sec 209 (42 U.S.C. 5849)'' is removed from the general citation. Section 209 establishes the office of the Executive Director for Operations. As previously stated, the NRC is only citing to such organizational statutes in 10 CFR part 1, ''Statement of organization and general information.''

10 CFR Part 63

Add to citation. References to Atomic Energy Act of 1954, secs. 223 and 234 (42 U.S.C. 2273 and 2282) are added because these statutes provide authority for the ''Criminal Penalties'' and ''Violations'' sections, respectively, of 10 CFR part 63, subpart J.

Remove from citation. The reference to the EPAct (''Energy Policy Act of 2005, Public Law 109–58, 119 Stat. 594 (2005)'') is removed. The EPAct was first added to the 10 CFR part 63 citation in a 2008 rulemaking that modified the requirements for the protection of SGI (73 FR 63,546; Oct. 24, 2008). Specifically, the EPAct amended Section 149 of the Atomic Energy Act of 1954 to require fingerprinting for a broader class of persons before granting

them access to SGI. Section 63.42 of 10 CFR states that licensees shall protect SGI against unauthorized disclosure in accordance with the requirements in 10 CFR part 73; the authority citation for 10 CFR part 73 includes the appropriate citation to Section 149 of the Atomic Energy Act of 1954. Therefore, rather than convert the citation from the EPAct to Section 149 of the Atomic Energy Act, the NRC is removing the citation altogether because it is redundant.

10 CFR Part 70

Add to citation. A reference to ''Atomic Energy Act of 1954, sec. 1701'' is added because the central authority citation already refers to the corresponding U.S.C. citation (42 U.S.C. 2297f).

Remove from citation. The reference to ''Energy Reorganization Act of 1974 sec. 204'' is removed (the corresponding U.S.C. citation erroneously refers to ''42 U.S.C. 5845,'' which is also removed). Section 204 establishes the Office of Nuclear Material Safety and Safeguards (NMSS) and provides a list of functions the Office shall perform as delegated by the Commission. While NMSS does perform functions within 10 CFR part 70, this authority largely overlaps with the Commission's already existing authority to delegate functions to other officers under Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201). As previously stated, the NRC is only citing to statutes creating individual NRC offices within 10 CFR part 1, ''Statement of Organization and General Information.''

Remove from citation. The reference to the EPAct (''Energy Policy Act of 2005, Public Law 109–58, 119 Stat. 594 (2005)'') is removed. The EPAct was first added to the 10 CFR part 70 citation in a 2008 rulemaking that modified the requirements for the protection of SGI (73 FR 63,546; October 24, 2008). Specifically, the EPAct amended Section 149 of the Atomic Energy Act of 1954 to require fingerprinting for a broader class of persons before granting them access to SGI. Section 70.32 of 10 CFR states that licensees shall protect SGI against unauthorized disclosure in accordance with the requirements in 10 CFR part 73; the authority citation for 10 CFR part 73 includes the appropriate citation to Section 149 of the Atomic Energy Act of 1954. Therefore, rather than convert the citation from the EPAct to Section 149 of the Atomic Energy Act, the NRC is removing the citation altogether because it is redundant.

10 CFR Part 71

Remove from citation. The reference to the EPAct (''Energy Policy Act of 2005, Public Law 109–58, 119 Stat. 594 (2005)'') is removed. The EPAct was first added to the 10 CFR part 71 citation in a 2008 rulemaking that modified the requirements for the protection of SGI (73 FR 63,546; October 24, 2008). Specifically, the EPAct amended Section 149 of the Atomic Energy Act of 1954 to require fingerprinting for a broader class of persons before granting them access to SGI. Section 71.11 of 10 CFR states that licensees shall protect SGI against unauthorized disclosure in accordance with the requirements in 10 CFR part 73; the authority citation for 10 CFR part 73 includes the appropriate citation to Section 149 of the Atomic Energy Act of 1954. Therefore, rather than convert the citation from the EPAct to Section 149 of the Atomic Energy Act, the NRC is removing the citation altogether because it is redundant.

10 CFR Part 72

Remove from citation. The references to the Nuclear Waste Policy Act of 1982 secs. 131 and 142(b) (42 U.S.C. 10151 and 10162(b)) are removed because they do not provide substantive authority to the NRC. Section 131 is a Congressional declaration of the ''Findings and Purposes'' behind the Interim Storage Program found in Subtitle B of the Nuclear Waste Policy Act of 1982. The Commission's substantive authority to regulate interim storage of spent nuclear fuel is located elsewhere in the Nuclear Waste Policy Act of 1982. Section 142(b) authorizes the Secretary of the U.S. Department of Energy to site, construct, and operate a monitored retrievable storage facility. The NRC's authority to license such a facility derives from Energy Reorganization Act of 1974, sec. 202 and Nuclear Waste Policy Act of 1982, sec. 148, both of which are already included in the general citation.

The reference to the EPAct (''Energy Policy Act of 2005, Public Law 109–58, 119 Stat. 594 (2005)'') is removed. The EPAct was first added to the 10 CFR part 72 citation in a 2008 rulemaking that modified the requirements for the protection of SGI (73 FR 63,546; October 24, 2008). Specifically, the EPAct amended Section 149 of the Atomic Energy Act of 1954 to require fingerprinting for a broader class of persons before granting them access to SGI. Sections 72.44 and 72.212 of 10 CFR state that licensees shall protect SGI against unauthorized disclosure in accordance with the requirements in 10 CFR part 73; the authority citation for 10 CFR part 73 includes the appropriate citation to Section 149 of the Atomic Energy Act of 1954. Therefore, rather than convert the citation from the EPAct to Section 149 of the Atomic Energy Act, the NRC is removing the citation altogether because it is redundant.

10 CFR Part 73

Add to citation. A reference to ''Atomic Energy Act of 1954, sec. 149'' is added because the central authority citation already includes a reference to the accompanying U.S.C. citation (42 U.S.C. 2169).

A reference to Energy Reorganization Act of 1974 sec. 202 (42 U.S.C. 5842) is added because the scope of part 73 includes the Department of Energy facilities listed in that statute.

Remove from citation. The reference to ''Energy Reorganization Act of 1974 sec. 204 (42 U.S.C. 5844)'' is removed. Section 204 establishes NMSS and provides a list of functions the office shall perform as delegated by the Commission. While NMSS does perform functions within 10 CFR part 73, this authority largely overlaps with the Commission's already existing authority to delegate functions to other officers under Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201). As previously stated, the NRC is only citing to statutes creating individual NRC offices within 10 CFR part 1, ''Statement of Organization and General Information.''

The reference to ''42 U.S.C. 2210(e)'' in the string of Atomic Energy Act of 1954 citations is removed because this is a typographical error. The correct citation to ''42 U.S.C. 2210e'' is now included.

10 CFR Part 74

Remove from citation. The reference to ''Atomic Energy Act of 1954 sec. 183 (42 U.S.C. 2233)'' is removed. Section 183 provides the Commission with authority to prescribe the form, terms, and conditions of licenses by rule or regulation. Part 74 of 10 CFR contains requirements for licensees but does not provide for the issuance of licenses. The parts of 10 CFR that do provide for the issuance of licenses that are subject to 10 CFR part 74 (*e.g.,* 10 CFR part 70) already reference Section 183 as authority. Therefore, it is redundant to cite to Section 183 in parts that do not provide for the issuance of licenses.

The reference to ''Energy Reorganization Act of 1974 sec. 206 (42 U.S.C. 5846)'' is removed. Section 206 requires individual directors or responsible officers of firms constructing, owning, operating, or supplying components for any facility or activity licensed or regulated by the

NRC to report defects or failures to comply that may create substantial safety hazards. Part 74 of 10 CFR establishes control and accounting requirements for licensees of special nuclear material. While the same licensed activity can be subject to both 10 CFR part 74 control and accounting requirements and Section 206 reporting requirements, the Atomic Energy Act is the substantive authority for the promulgation of 10 CFR part 74.

10 CFR Part 75

Add to citation. A reference to ''Nuclear Waste Policy Act, sec. 141'' is added because the central authority citation already includes a reference to the accompanying U.S.C. citation (42 U.S.C. 10161).

A reference to ''Atomic Energy Act of 1954, sec. 1701 (42 U.S.C. 2297f)'' is added because 10 CFR part 75 imposes requirements on certificate holders for gaseous diffusion plants.

10 CFR Part 76

Remove from citation. The reference to Atomic Energy Act of 1954 sec. 1312 (42 U.S.C. 2297b–11) is removed because this section of the Act has been repealed.

The reference to ''Energy Reorganization Act sec. 204'' is removed (the accompanying U.S.C. reference, which erroneously cites ''42 U.S.C. 5842,'' is also removed). Section 204 creates NMSS and provides a list of functions the office shall perform as delegated by the Commission. While NMSS does perform functions within 10 CFR part 76, this authority largely overlaps with the Commission's already existing authority to delegate functions to other officers under Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201). As previously stated, the NRC is only citing to statutes creating individual NRC offices within 10 CFR part 1, ''Statement of Organization and General Information.''

The reference to the EPAct (''Energy Policy Act of 2005, Public Law 109–58, 119 Stat. 594 (2005)'') is removed. The EPAct was first added to the 10 CFR part 76 citation in a 2008 rulemaking that modified the requirements for the protection of SGI (73 FR 63546; October 24, 2008). Specifically, the EPAct amended Section 149 of the Atomic Energy Act of 1954 to require fingerprinting for a broader class of persons before granting them access to SGI. Subpart E of 10 CFR part 76 states that the requirements to protect SGI against unauthorized disclosure are located in 10 CFR part 73; the authority citation for 10 CFR part 73 includes the appropriate citation to Section 149 of the Atomic Energy Act of 1954. Therefore, rather than convert the citation from the EPAct to Section 149 of the Atomic Energy Act, the NRC is removing the citation altogether because it is redundant.

10 CFR Part 95

Remove from citation. ''E.O. 13526, 3 CFR, 2010 Comp., pp. 298–327'' is removed because the same Executive Order is erroneously cited as authority twice.

10 CFR Part 110

Add to citation. References to Atomic Energy Act of 1954, secs. 62 and 124 are added because the central authority citation already includes a reference to the accompanying U.S.C. citation (42 U.S.C. 2092 and 2154, respectively).

A reference to ''Atomic Energy Act of 1954, sec. 133 (42 U.S.C. 2160c)'' is added to the central authority citation because this provides the Commission authority to issue licenses for the export of special nuclear material described within the statute.

Amend citation. The ''also issued under'' citations for the various paragraphs of Section 110(b) have been consolidated into one ''also issued under citation.'' A reference to ''50 App. U.S.C. 2401 *et seq.''* is added to provide further statutory authority for export license exceptions under the Export Administration Act regulations overseen by the U.S. Department of Commerce. A reference to ''22 U.S.C. 2778a'' is also added to provide citation to the proper authorizing statute for the exception listed in this section.

References to ''42 U.S.C. 2139a'' and ''42 U.S.C. 2155a'' are being removed from the string of Atomic Energy Act of 1954 citations and included as separate citations in the central authority citation. Sections 2139a and 2155a were enacted as part of the Nuclear Non-Proliferation Act of 1978, and not part of the Atomic Energy Act of 1954.

Remove from citation. The reference to Section 554 of the Administrative Procedure Act, which contains the requirements for on-the-record hearings, is removed from the additional citation to §§ 110.80–110.113 because 42 U.S.C. 2155a provides that, notwithstanding Atomic Energy Act of 1954, sec. 189, an on-the-record hearing is not required for export license proceedings. Therefore, that section does not provide authority for §§ 110.80–110.113.

10 CFR Part 150

Add to citation. A reference to ''Atomic Energy Act of 1954, sec. 274'' is added because the central authority citation already includes a reference to the accompanying U.S.C. citation (42 U.S.C. 2021). Similarly, a reference to ''Nuclear Waste Policy Act of 1982, sec. 141'' is added because the central authority citation already includes a reference to the accompanying U.S.C. citation (42 U.S.C. 10161).

Remove from citation. The reference to ''Atomic Energy Act of 1954 sec. 11(e)(2) (42 U.S.C. 2014(e)(2))'' is removed because this subsection does not substantively grant authority to the NRC, but simply defines uranium mill tailings and waste as source material. Authority to license source material is found in other provisions of the Atomic Energy Act, which are already included in the authority citation.

10 CFR Part 171

Remove from citation. The reference to ''42 U.S.C. 2213'' is removed because it was repealed in 2006 by Section 637 of the EPAct.

III. Rulemaking Procedure

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comments requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. The NRC finds that notice and comment for these amendments are unnecessary because the changes made in this rulemaking are non-substantive formatting edits or corrective changes to typographical errors and inadvertent omissions to authority citations. No substantive text in the regulations is being amended. These amendments require no action by any person or entity regulated by the NRC, nor do they alter any substantive rights, responsibilities, or obligations. Soliciting public comments on these changes would not affect the scope and nature of the revisions because they must reflect the current legal authority that provides a basis for the Commission's regulations. Therefore, the NRC finds good cause that notice and comment is unnecessary, and is exercising its authority under 5 U.S.C. 553(b)(B) to publish these amendments as a final rule without the opportunity for public comment. Furthermore, for the reasons previously stated, the NRC finds, pursuant to 5 U.S.C. 553(d)(3), that good cause exists to make this rule effective upon publication.

IV. Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2), which excludes from a major action rules that are corrective or

of a minor or nonpolicy nature and do not substantially modify existing regulations. Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this rule.

V. Paperwork Reduction Act Statement

This final rule does not contain information collection requirements and, therefore, is not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

VI. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883).

VII. Backfitting and Issue Finality

The NRC has determined that the administrative changes in the final rule do not constitute backfitting and are not inconsistent with any of the issue finality provisions in 10 CFR part 52, and therefore a backfit analysis is not included. The revisions are administrative in nature, including revisions to authority citation formatting and typographical corrections. They impose no new requirements and make no substantive changes to the regulations. The revisions do not involve any provisions that would impose backfits as defined in 10 CFR chapter I, or would be inconsistent with the issue finality provisions in 10 CFR part 52. For these reasons, the issuance of the rule in final form would not constitute backfitting or represent an inconsistency with any of the issue finality provisions in 10 CFR part 52. Therefore, the NRC has not prepared any additional documentation for this rulemaking addressing backfitting or issue finality.

List of Subjects

2 CFR Part 2000

Administrative practice and procedure, Debarment and suspension, Grant programs, Reporting and recordkeeping requirements.

5 CFR Part 5801

Conflict of interests, Government employees.

10 CFR Part 1

Flags, Organization and functions (Government agencies), Seals and insignia.

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information; Freedom of information, Environmental protection, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 4

Administrative practice and procedure, Aged, Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Federal aid programs, Federal buildings and facilities, Grant programs, Handicapped, Individuals with disabilities, Loan programs, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 7

Advisory committees, Sunshine Act.

10 CFR Part 9

Administrative practice and procedure, Courts, Criminal penalties, Freedom of information, Government employees, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

10 CFR Part 10

Administrative practice and procedure, Classified information, Government employees, Security measures.

10 CFR Part 11

Hazardous materials transportation, Investigations, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Security measures, Special nuclear material.

10 CFR Part 12

Adversary adjudications, Award, Claims, Equal access to justice, Final disposition, Fraud, Net worth, Party, Penalties.

10 CFR Part 13

Administrative practice and procedure, Claims, Fraud, Organization and function (Government agencies), Penalties.

10 CFR Part 14

Administrative practice and procedure, Claims, Tort claims.

10 CFR Part 15

Administrative practice and procedure, Claims, Debt collection.

10 CFR Part 16

Administrative practice and procedure, Debt collection, Government employees, Wages.

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 20

Byproduct material, Criminal penalties, Hazardous waste, Licensed material, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 21

Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 25

Classified information, Criminal penalties, Investigations, Penalties, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 26

Administrative practice and procedure, Alcohol abuse, Alcohol testing, Appeals, Chemical testing, Drug abuse, Drug testing, Employee assistance programs, Fitness for duty, Management actions, Nuclear power plants and reactors, Privacy, Protection of information, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear energy, Nuclear materials, Penalties, Radiation protection, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 31

Byproduct material, Criminal penalties, Labeling, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment.

10 CFR Part 32

Byproduct material, Criminal penalties, Labeling, Nuclear energy, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 33

Byproduct material, Criminal penalties, Nuclear energy, Nuclear materials, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 34

Criminal penalties, Manpower training programs, Occupational safety and health, Packaging and containers, Penalties, Radiation protection, Radiography, Reporting and recordkeeping requirements, Scientific equipment, Security measures, X-rays.

10 CFR Part 35

Biologics, Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Labeling, Medical devices, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 36

Byproduct material, Criminal penalties, Nuclear energy, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

10 CFR Part 37

Byproduct material, Criminal penalties, Exports, Hazardous materials transportation, Imports, Licensed material, Nuclear materials, Penalties, Radioactive materials, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 39

Byproduct material, Criminal penalties, Labeling, Nuclear energy, Nuclear material, Occupational safety and health, Oil and gas exploration—well logging, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Source material, Special nuclear material.

10 CFR Part 40

Criminal penalties, Exports, Government contracts, Hazardous materials transportation, Hazardous waste, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Source material, Uranium, Whistleblowing.

10 CFR Part 50

Administrative practice and procedure, Antitrust, Classified information, Criminal penalties, Education, Fire prevention, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statements, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 52

Administrative practice and procedure, Antitrust, Backfitting, Combined license, Early site permit, Emergency planning, Fees, Inspection, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Penalties, Reporting and recordkeeping requirements, Standard design, Standard design certification, Incorporation by reference.

10 CFR Part 54

Administrative practice and procedure, Age-related degradation, Backfitting, Classified information, Criminal penalties, Environmental protection, Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 55

Criminal penalties, Manpower training programs, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements.

10 CFR Part 60

Criminal penalties, Hazardous waste, Indians, High-level waste, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements, Waste treatment and disposal, Whistleblowing.

10 CFR Part 61

Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Low-level waste, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Waste treatment and disposal, Whistleblowing.

10 CFR Part 62

Administrative practice and procedure, Denial of access, Emergency access to low-level waste disposal, Hazardous waste, Intergovernmental relations, Low-level radioactive waste, Low-level radioactive waste treatment and disposal, Nuclear energy, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 63

Criminal penalties, Hazardous waste, High-level waste, Indians, Intergovernmental relations, Nuclear energy, Nuclear power plants and reactors, Penalties, Radiation protection, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Classified information, Criminal penalties, Emergency medical services, Hazardous materials transportation, Material control and accounting, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material, Whistleblowing.

10 CFR Part 71

Criminal penalties, Hazardous materials transportation, Intergovernmental relations, Nuclear materials, Packaging and containers, Penalties, Radioactive materials, Reporting and recordkeeping requirements.

10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Manpower training programs, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

10 CFR Part 73

Criminal penalties, Exports, Hazardous materials transportation, Imports, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and

recordkeeping requirements, Security measures.

10 CFR Part 74

Accounting, Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

10 CFR Part 75

Criminal penalties, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Security measures, Treaties.

10 CFR Part 76

Certification, Criminal penalties, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Special nuclear material, Uranium, Uranium enrichment by gaseous diffusion.

10 CFR Part 81

Administrative practice and procedure, Inventions and patents, Reporting and recordkeeping requirements.

10 CFR Part 95

Classified information, Criminal penalties, Penalties, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 100

Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalties, Exports, Imports, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Scientific equipment.

10 CFR Part 140

Criminal penalties, Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements.

10 CFR Part 150

Criminal penalties, Hazardous materials transportation, Intergovernmental relations, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

10 CFR Part 160

Federal buildings and facilities, Penalties, Security measures.

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

Annual charges, Byproduct material, Holders of certificates, registrations, approvals, Intergovernmental relations, Nonpayment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 2 CFR part 2000; 5 CFR part 5801; and 10 CFR parts 1, 2, 4, 7, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 25, 26, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 50, 51, 52, 54, 55, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 81, 95, 100, 110, 140, 150, 160, 170, and 171.

2 CFR CHAPTER XX—UNITED STATES NUCLEAR REGULATORY COMMISSION

PART 2000—NONPROCUREMENT DEBARMENT AND SUSPENSION

■ 1. The authority citation for part 2000 is revised to read as follows:

Authority: 5 U.S.C. 301; Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189; E.O. 12689, 54 FR 34131, 3 CFR, 1989 Comp., p. 235.

5 CFR CHAPTER XLVIII—NUCLEAR REGULATORY COMMISSION

PART 5801—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE NUCLEAR REGULATORY COMMISSION

■ 2. The authority citation for part 5801 is revised to read as follows:

Authority: 5 U.S.C. 7301; 5 U.S.C. Appendix (Ethics in Government Act of 1978); Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.403, 2635.803.

10 CFR CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

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

Authority: Atomic Energy Act of 1954, secs. 23, 25, 29, 161, 191 (42 U.S.C. 2033, 2035, 2039, 2201, 2241); Energy Reorganization Act of 1974, secs. 201, 203, 204, 205, 209 (42 U.S.C. 5841, 5843, 5844, 5845, 5849); Administrative Procedure Act (5 U.S.C. 552, 553); Reorganization Plan No. 1 of 1980, 5 U.S.C. Appendix (Reorganization Plans).

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

■ 4. The authority citation for part 2 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note.

Section 2.205(j) also issued under Sec. 31001(s), Pub. L. 104–134, 110 Stat. 1321–373 (28 U.S.C. 2461 note).

PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE COMMISSION

■ 5. The authority citation for part 4 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 223, 234, 274 (42 U.S.C. 2201, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 401 (42 U.S.C. 5841, 5891); 29 U.S.C. 794; 42 U.S.C. 12101 *et seq.;* 44 U.S.C. 3504 note.

Subpart A also issued under 42 U.S.C. 2000d through d–7.

Subpart B also issued under 29 U.S.C. 706.

Subpart C also issued under 42 U.S.C. 6101 through 6107.

PART 7—ADVISORY COMMITTEES

■ 6. The authority citation for part 7 is revised to read as follows:

Authority: Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201); Energy Reorganization

Act of 1974, sec. 201 (42 U.S.C. 5841); 5 U.S.C. Appendix (Federal Advisory Committee Act).

PART 9—PUBLIC RECORDS

■ 7. The authority citation for part 9 is revised to read as follows:

Authority: Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note.

Subpart A also issued under 31 U.S.C. 9701.

Subpart B also issued under 5 U.S.C. 552a.

Subpart C also issued under 5 U.S.C. 552b.

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION OR AN EMPLOYMENT CLEARANCE

■ 8. The authority citation for part 10 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 145, 161 (42 U.S.C. 2165, 2201); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); E.O. 10450, 18 FR 2489, 3 CFR, 1949–1953 Comp., p. 936, as amended; E.O. 10865, 25 FR 1583, 3 CFR, 1959–1963 Comp., p. 398, as amended; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391.

PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

■ 9. The authority citation for part 11 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 223 (42 U.S.C. 2201, 2273); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note.

Section 11.15(e) also issued under 31 U.S.C. 9701; 42 U.S.C. 2214.

PART 12—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

■ 10. The authority citation for part 12 is revised to read as follows:

Authority: 5 U.S.C. 504(c)(1).

PART 13—PROGRAM FRAUD CIVIL REMEDIES

■ 11. The authority citation for part 13 is revised to read as follows:

Authority: 31 U.S.C. 3801 through 3812; 44 U.S.C. 3504 note.

Section 13.13 also issued under Sec. 31001(s), Pub. L. 104–134, 110 Stat. 1321–373 (28 U.S.C. 2461 note); 31 U.S.C. 3730.

PART 14—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

■ 12. The authority citation for part 14 is revised to read as follows:

Authority: 28 U.S.C. 2672, 2679; Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 28 CFR 14.11.

PART 15—DEBT COLLECTION PROCEDURES

■ 13. The authority citation for part 15 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 186 (42 U.S.C. 2201, 2236); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 5 U.S.C. 5514; 26 U.S.C. 6402; 31 U.S.C. 3701, 3713, 3716, 3719, 3720A; 42 U.S.C. 664; 44 U.S.C. 3504 note; 31 CFR parts 900 through 904; 31 CFR part 285; E.O. 12146, 44 FR 42657, 3 CFR, 1979 Comp., p. 409; E.O. 12988, 61 FR 4729, 3 CFR, 1996 Comp., p. 157.

PART 16—SALARY OFFSET PROCEDURES FOR COLLECTING DEBTS OWED BY FEDERAL EMPLOYEES TO THE FEDERAL GOVERNMENT

■ 14. The authority citation for part 16 is revised to read as follows:

Authority: Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201), Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 31 U.S.C. 3711, 3716, 3717, 3718; 5 U.S.C. 5514; Pub. L. 97–365, 96 Stat. 1749; 4 CFR parts 101 through 105; 5 CFR 550.1101 through 550.1108.

PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

■ 15. The authority citation for part 19 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 63, 81, 103, 104, 161, 223, 234, 1701 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 211, 401 (42 U.S.C. 5841, 5851, 5891); 44 U.S.C. 3504 note.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

■ 16. The authority citation for part 20 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 63, 65, 81, 103, 104, 161, 182, 186, 223, 234, 274, 1701 (42 U.S.C. 2014, 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Low-Level Radioactive Waste Policy Amendments Act of 1985, sec. 2 (42 U.S.C. 2021b); 44 U.S.C. 3504 note.

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

■ 17. The authority citation for part 21 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 63, 81, 103, 104, 161, 223, 234, 1701 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

PART 25—ACCESS AUTHORIZATION

■ 18. The authority citation for part 25 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 145, 161, 223, 234 (42 U.S.C. 2165, 2201, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note; E.O. 10865, 25 FR 1583, as amended, 3 CFR, 1959–1963 Comp., p. 398; E.O. 12829, 58 FR 3479, 3 CFR, 1993 Comp., p. 570; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391.

Section 25.17(f) and Appendix A also issued under 31 U.S.C. 9701; 42 U.S.C. 2214.

PART 26—FITNESS FOR DUTY PROGRAMS

■ 19. The authority citation for part 26 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 103, 104, 107, 161, 223, 234, 1701 (42 U.S.C. 2073, 2133, 2134, 2137, 2201, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

■ 20. The authority citation for part 30 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 81, 161, 181, 182, 183, 184, 186, 187, 223, 234, 274 (42 U.S.C. 2014, 2111, 2201, 2231, 2232, 2233, 2234, 2236, 2237, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

PART 31—GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

■ 21. The authority citation for part 31 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); 44 U.S.C. 3504 note.

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

■ 22. The authority citation for part 32 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2231, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note.

PART 33—SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

■ 23. The authority citation for part 33 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2231, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note.

PART 34—LICENSES FOR INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

■ 24. The authority citation for part 34 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2231, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); 44 U.S.C. 3504 note.

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

■ 25. The authority citation for part 35 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2201, 2231, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); 44 U.S.C. 3504 note.

PART 36—LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

■ 26. The authority citation for part 36 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 81, 161, 181, 182, 183, 223, 234, 274 (42 U.S.C. 2111, 2112, 2201, 2231, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); 44 U.S.C. 3504 note.

PART 37—PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

■ 27. The authority citation for part 37 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 81, 103, 104, 147, 148, 149, 161, 182, 183, 223, 234, 274 (42 U.S.C. 2014, 2073, 2111, 2133, 2134, 2167, 2168, 2169, 2201, 2232, 2233, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

PART 39—LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING

■ 28. The authority citation for part 39 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 57, 62, 63, 65, 69, 81, 161, 181, 182, 183, 223, 234 (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2112, 2201, 2232, 2233, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); 44 U.S.C. 3504 note.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

■ 29. The authority citation for part 40 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 62, 63, 64, 65, 69, 81, 83, 84, 122, 161, 181, 182, 183, 184, 186, 187, 193, 223, 234, 274, 275 (42 U.S.C. 2092, 2093, 2094, 2095, 2099, 2111, 2113, 2114, 2152, 2201, 2231, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2022); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Uranium Mill Tailings Radiation Control Act of 1978, sec. 104 (42 U.S.C. 7914); 44 U.S.C. 3504 note.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 30. The authority citation for part 50 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Sec. 109, Pub. L. 96–295, 94 Stat. 783.

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

■ 31. The authority citation for part 51 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 193 (42 U.S.C. 2201, 2243); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); National Environmental Policy Act of 1969 (42 U.S.C. 4332, 4334, 4335); Nuclear Waste Policy Act of 1982, secs. 144(f), 121, 135, 141, 148 (42 U.S.C. 10134(f), 10141, 10155, 10161, 10168); 44 U.S.C. 3504 note.

PART 52—LICENSES, CERTIFICATIONS, AND APPROVALS FOR NUCLEAR POWER PLANTS

■ 32. The authority citation for part 52 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 103, 104, 147, 149, 161, 181, 182, 183, 185, 186, 189, 223, 234 (42 U.S.C. 2133, 2134, 2167, 2169, 2201, 2231, 2232, 2233, 2235, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

PART 54—REQUIREMENTS FOR RENEWAL OF OPERATING LICENSES FOR NUCLEAR POWER PLANTS

■ 33. The authority citation for part 54 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 102, 103, 104, 161, 181, 182, 183, 186, 189, 223, 234 (42 U.S.C. 2132, 2133, 2134, 2136, 2137, 2201, 2231, 2232, 2233, 2236, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); 44 U.S.C. 3504 note.

Section 54.17 also issued under E.O.12829, 58 FR 3479, 3 CFR, 1993 Comp., p. 570; E.O. 13526, 75 FR 707, 3 CFR, 2009 Comp., p. 298; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391.

PART 55—OPERATORS' LICENSES

■ 34. The authority citation for part 55 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 107, 161, 181, 182, 183, 186, 187, 223, 234 (42 U.S.C. 2137, 2201, 2231, 2232, 2233, 2236, 2237, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); 44 U.S.C. 3504 note.

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

■ 35. The authority citation for part 60 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 62, 63, 65, 81, 161, 182, 183,

223, 234 (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 42 U.S.C. 2021a; National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 114, 117, 121 (42 U.S.C. 10134, 10137, 10141), 44 U.S.C. 3504 note.

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

■ 36. The authority citation for part 61 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 57, 62, 63, 65, 81, 161, 181, 182, 183, 223, 234 (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2231, 2232, 2233, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 206, 211 (42 U.S.C. 5841, 5846, 5851); Low-Level Radioactive Waste Policy Amendments Act of 1985, sec. 2 (42 U.S.C. 2021b); 44 U.S.C. 3504 note.

PART 62—CRITERIA AND PROCEDURES FOR EMERGENCY ACCESS TO NON-FEDERAL AND REGIONAL LOW-LEVEL WASTE DISPOSAL FACILITIES

■ 37. The authority citation for part 62 is revised to read as follows:

Authority: Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201); Energy Reorganization Act of 1974, secs. 201 (42 U.S.C. 5841); Low-Level Radioactive Waste Policy Amendments Act of 1985, secs. 2, 6 (42 U.S.C. 2021b, 2021f); 44 U.S.C. 3504 note.

PART 63—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN A GEOLOGIC REPOSITORY AT YUCCA MOUNTAIN, NEVADA

■ 38. The authority citation for part 63 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 223, 234 (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 42 U.S.C. 2021a; National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 114, 117, 121 (42 U.S.C. 10134, 10137, 10141); 44 U.S.C. 3504 note.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

■ 39. The authority citation for part 70 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57(d), 108, 122, 161, 182, 183, 184, 186, 187, 193, 223, 234, 274, 1701 (42 U.S.C. 2071, 2073, 2077(d), 2138, 2152, 2201, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

■ 40. The authority citation for part 71 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 57, 62, 63, 81, 161, 182, 183, 223, 234, 1701 (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 180 (42 U.S.C. 10175); 44 U.S.C. 3504 note.

Section 71.97 also issued under Sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 41. The authority citation for part 72 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

■ 42. The authority citation for part 73 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 147, 149, 161, 170D, 170E, 170H, 170I, 223, 234, 1701 (42 U.S.C. 2073, 2167, 2169, 2201, 2210d, 2210e, 2210h, 2210i, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Section 73.37(f) also issued under Sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

■ 43. The authority citation for part 74 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 57, 161, 182, 223, 234, 1701 (42 U.S.C. 2073, 2077, 2201, 2232, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

■ 44. The authority citation for part 75 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 53, 63, 103, 104, 122, 161, 223, 234, 1701 (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201, 2273, 2282, 2297f); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

PART 76—CERTIFICATION OF GASEOUS DIFFUSION PLANTS

■ 45. The authority citation for part 76 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 122, 161, 193(f), 223, 234, 1701 (42 U.S.C. 2152, 2201, 2243(f), 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 206, 211 (42 U.S.C. 5841, 5846, 5851); 44 U.S.C. 3504 note.

PART 81—STANDARD SPECIFICATIONS FOR THE GRANTING OF PATENT LICENSES

■ 46. The authority citation for part 81 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 156, 161 (42 U.S.C. 2186, 2201); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note.

PART 95—FACILITY SECURITY CLEARANCE AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

■ 47. The authority citation for part 95 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 145, 161, 223, 234 (42 U.S.C. 2165, 2201, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note; E.O. 10865, as amended, 25 FR 1583, 3 CFR, 1959–1963 Comp., p. 398; E.O. 12829, 58 FR 3479, 3 CFR, 1993 Comp., p. 570; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391; E.O. 13526 75 FR 707, 3 CFR, 2009 Comp., p. 298.

PART 100—REACTOR SITE CRITERIA

■ 48. The authority citation for part 100 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 103, 104, 161, 182 (42 U.S.C. 2133, 2134, 2201, 2232); Energy Reorganization Act

of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

■ 49. The authority citation for part 110 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 51, 53, 54, 57, 62, 63, 64, 65, 81, 82, 103, 104, 109, 111, 121, 122, 123, 124, 126, 127, 128, 129, 133, 134, 161, 170H., 181, 182, 183, 184, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2071, 2073, 2074, 2077, 2092, 2093, 2094, 2095, 2111, 2112, 2133, 2134, 2139, 2141, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2160c, 2160d, 2201, 2210h, 2231, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Administrative Procedure Act (5 U.S.C. 552, 553); 42 U.S.C. 2139a, 2155a; 44 U.S.C. 3504 note.

Section 110.1(b) also issued under 22 U.S.C. 2403; 22 U.S.C. 2778a; 50 App. U.S.C. 2401 *et seq.*

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

■ 50. The authority citation for part 140 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 170, 223, 234 (42 U.S.C. 2201, 2210, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); 44 U.S.C. 3504 note.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

■ 51. The authority citation for part 150 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 81, 83, 84, 122, 161, 181, 223, 234, 274 (42 U.S.C. 2014, 2201, 2231, 2273, 2282, 2021); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

PART 160—TRESPASSING ON COMMISSION PROPERTY

■ 52. The authority citation for part 160 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 161, 223, 229, 234 (42 U.S.C. 2201, 2273, 2278a, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841).

PART 170—FEES FOR FACILITIES, MATERIALS, IMPORT AND EXPORT LICENSES, AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

■ 53. The authority citation for part 170 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w) (42 U.S.C. 2014, 2201(w)); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 31 U.S.C. 901, 902, 9701; 44 U.S.C. 3504 note.

PART 171—ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIAL LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

■ 54. The authority citation for part 171 is revised to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w), 223, 234 (42 U.S.C. 2014, 2201(w), 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 44 U.S.C. 3504 note.

Dated at Rockville, Maryland, this 1st day of September, 2015.

For the Nuclear Regulatory Commission.

Cindy Bladey,

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

[FR Doc. 2015–22517 Filed 9–8–15; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0864]

Drawbridge Operation Regulation; Lafourche Bayou, Larose, 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 operation of the T-Bois bridge, a vertical lift-span bridge across Lafourche Bayou, mile 40.4, at Larose, Louisiana. The deviation is necessary in order to allow for the smooth flow of increased vehicular traffic caused by the temporary closure of the LA 1 bridge across the Gulf Intracoastal Waterway. This deviation allows the bridge to open on signal for the passage of traffic if at least one-hour advanced notification is given during the morning and evening rush hours.

DATES: This deviation is effective without actual notice from September 9, 2015 through November 30, 2015. For the purposes of enforcement, actual notice will be used from September 2, 2015 until September 9, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0864] is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David Frank, Bridge Administration Branch, Coast Guard; telephone 504–671–2128, email *David.M.Frank@uscg.mil*. If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Louisiana Department of Transportation and Development has closed the LA 1 vertical lift bridge (on the west side of Lafourche Bayou) across the Gulf Intracoastal Waterway, mile 35.6, at Larose, Louisiana to vehicular traffic for repairs to the bridge. The bridge will be closed to vehicular traffic until November 30, 2015. As a result of this closure, all vehicular traffic wishing to transit north or south in Lafourche Parish must do so using LA 308 on the east side of Lafourche Bayou. Much of the vehicular traffic must cross the T-Bois bridge across Lafourche Bayou to accomplish this transit. The increase in vehicular traffic across the T-Bois bridge has caused a previously unforeseen traffic jam during the morning and afternoon rush hours. To help alleviate this traffic issue, the Lafourche Parish Government has requested that vessel traffic be limited during the morning and evening rush hours. As part of this discussion, it was determined that from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m. Monday through Friday, the T-Bois bridge across Lafourche Bayou will open on signal if at least one-hour advanced notification is given. Mariners may request an opening during the time by contacting the bridge tender at 985–

693–4040. Presently, the bridge opens on signal for the passage of vessels in accordance with 33 CFR 117.5.

The bridge has a vertical clearance of 2.4 feet above mean high water, elevation 3.0 feet National Geodetic Vertical Datum (NGVD) in the closed-to-navigation position and 73 feet above mean high water in the open-to-navigation position. Navigation on the waterway consists mainly of tugs with barges and fishing vessels. Based on known waterway users, it has been determined that this restriction will not have a significant effect on vessels using the waterway. An alternate route is available via the Company Canal at Lockport, LA.

In accordance with 33 CFR 117.35, the bridge 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: September 2, 2015.

David M. Frank,

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2015–22513 Filed 9–8–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0370; FRL–9930–71–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Motor Vehicle Inspection and Maintenance and Associated Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of Utah on January 10, 2013 and January 28, 2014. The revisions involve amendments to Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; the addition of Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County; and revisions to Utah Administrative Rules R307–110–1, R307–110–31, and R307–110–36. EPA is approving these SIP revisions in accordance with the requirements of section 110 of the Clean Air Act (CAA).

DATES: This final rule is effective October 9, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2014–0370. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6479, *russ.tim@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

A. Utah's Revisions to SIP Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability

Section X of the Utah SIP addresses the provisions and requirements for the motor vehicle inspection and maintenance (I/M) programs that are administered by five counties in Utah. Section X of the SIP is divided into six subparts ''A'' through ''F''; Part A addresses general requirements and applicability provisions that are common to each of the counties' I/M programs, Part B is the Davis County vehicle I/M program, Part C is the Salt Lake County vehicle I/M program, Part D is the Utah County vehicle I/M program, Part E is the Weber County vehicle I/M program, and Part F is the Cache County vehicle I/M program.

Section X, Part A is entitled ''Vehicle Inspection and Maintenance Program, General Requirements and Applicability.'' The current version of Part A, last approved by EPA on November 2, 2005 (70 FR 66264), provides a discussion of the federal I/M requirements, the aspects of On-Board Diagnostics (OBD) tests, a brief history of the Utah I/M program and the state's general authority and general information regarding the applicability of the Utah SIP to such I/M program aspects as test frequency, enforcement, vehicle registration, and change in vehicle ownership. Although duplicative, each of the four counties' existing I/M programs, found in Parts B, C, D, and E to Section X, contained very similar language as provided in Part A.

By a letter dated January 10, 2013, the Governor of Utah submitted a revision to Section X, Part A that updates and expands Part A to contain the relevant brief history of the Utah I/M program, the state's general authority, additional language on test types, general public information, general enforcement provisions which are relevant to the four counties implementing an existing I/M program, and the new I/M program in Cache County. As Part A is applicable to all five of the counties' I/M programs, this allows the removal of the duplicative general language in existing Section X and allows the consolidation of the common information and provisions in each counties' I/M program into Part A. Each of the counties' I/M programs contained in Section X, Parts B through F will then reference Part A.

B. Utah's Revisions to SIP section X, Vehicle Inspection and Maintenance Program, To Add Part F, Cache County

On November 13, 2009 (74 FR 58688), EPA designated a portion of Cache County, Utah as nonattainment for the 2006 $PM_{2.5}$ [1] 24-hour national ambient air quality standard (NAAQS). The Cache County portion includes the city of Logan, Utah. The nonattainment area, which also includes portions of

[1] $PM_{2.5}$ is Particulate Matter less than or equal to 2.5 microns in diameter.

Franklin County, Idaho, is identified by EPA as ''Logan—UT/ID.''

Through the course of the development of a dispersion modeled attainment demonstration for Utah's attainment plan, a motor vehicle I/M program was identified by the state as a reasonable control strategy to achieve reductions of $PM_{2.5}$ precursor emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC) necessary to support the SIP attainment demonstration for the Cache County portion of the Logan–UT/ID 2006 $PM_{2.5}$ 24-hour NAAQS nonattainment area. EPA notes, however, that under the applicable subparts of Part D of Title I of the CAA for $PM_{2.5}$ attainment plans, subparts 1 and 4, Cache County's I/M program is not a CAA mandatory or required I/M program and is therefore not held to the same level of applicable requirements as found in 40 CFR part 51, subpart S (hereafter ''40 CFR 51, subpart S''), I/M program requirements. As an example, a performance standard demonstration is not required for the Cache County I/M program. Part F of Section X, in conjunction with Section X, Part A as discussed above, was instead designed by the County and state to meet the minimum applicable I/M provisions and requirements presented in 40 CFR 51, subpart S. It is also noted in Part F that although only a portion of Cache County was designated as nonattainment for the 2006 $PM_{2.5}$ 24-hour NAAQS, the I/M program will be implemented County-wide.

By a letter dated January 28, 2014, the Governor submitted a SIP revision to add Section X, Part F, for the new motor vehicle I/M program for Cache County. As described further below, the Cache County I/M program was designed with certain necessary components from 40 CFR 51, subpart S in order to have a viable I/M program that helps reduce NO_X and VOC precursor emissions of $PM_{2.5}$. The I/M program also generates emission reductions suitable for use in the $PM_{2.5}$ attainment demonstration that was subsequently submitted by Utah to EPA on December 16, 2014.

C. Utah's Revisions to Rules R307–110–1, R307–110–31, and R307–110–36

The Utah Administrative Code is the body of all effective administrative rules as compiled and organized by the Utah Division of Administrative Rules, Utah Department of Administrative Services.[2] Utah's Administrative Rules are a portion of Utah's Codified Law. In Utah, statements written by state agencies which have the effect of law are called administrative rules. Unlike state statutes, which change only when the Utah Legislature is in session, administrative rules change throughout the year. A Utah administrative rule serves at least two purposes; first, an enacted administrative rule has the binding effect of law, and second, an administrative rule informs citizens of actions a state government agency will take or how a state agency will conduct its business. Under the authority of the Utah Air Conservation Act as provided in Utah Code Title 19, Chapter 2, the Utah Air Quality Board (UAQB) adopts certain provisions and requirements into the Utah SIP. Those particular SIP elements must then be incorporated by reference into the appropriate section of the Utah Administrative Rules (hereafter ''Utah Rules'').

By letters dated January 10, 2013 and January 28, 2014, the Governor submitted SIP revisions involving updates to sections of the R307–110 series air quality Utah Rules. The Governor's submittals requested EPA to approve actions taken by the UAQB that updated three sections of the Utah Rules R307–110 series which are entitled ''General Requirements: State Implementation Plan.'' The three rules are:

1. R307–110–1 which incorporates by reference the Utah SIP into the Utah Rules and advises the public that the SIP is available on the Utah Division of Air Quality (UDAQ) Web site.

2. R307–110–31 which incorporates by reference Utah SIP Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.

3. R307–110–36 which incorporates by reference Utah SIP Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County.

D. Proposed rule.

On November 10, 2014, EPA published a proposed rule in the **Federal Register** (see 79 FR 66670) in which we fully described and proposed approval of the SIP revisions discussed above. Our proposed rule provided an opportunity for public comment through December 10, 2014. We did not receive any comments in response to our November 10, 2014 proposed rule.

II. What was the State's process?

Section 110(a)(2) of the CAA requires that a state provide reasonable notice and public hearing before adopting a SIP revision and submitting it to us.

A. The Governor's January 10, 2013 SIP Submittal

On October 15, 2012, October 16, 2012, and October 17, 2012 the UAQB of the Utah Department of Environmental Quality conducted public hearings to consider the adoption of revisions and additions to the Utah SIP and the appropriate sections of the Utah Rules. The revisions affecting the SIP involved SIP Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; SIP Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County; and Utah Rules R307–110–1, R307–110–31, and R307–110–36. After reviewing and responding to comments received before and during the public hearings, the UAQB adopted the proposed revisions on December 5, 2012. The SIP and Utah Rule revisions became state effective on December 6, 2012 and were submitted by the Governor to EPA by a letter dated January 10, 2013. By a subsequent letter dated February 25, 2013, Bryce Bird, Director, UDAQ submitted the necessary administrative documentation that supported the Governor's submittal.

We evaluated the Governor's January 10, 2013 submittal for SIP Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; SIP Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County; and Rules R307–110–1, R307–110–31, and R307–110–36 and determined that Utah met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. By operation of law under section 110(k)(1)(B) of the CAA, the Governor's January 10, 2013 submittal was deemed complete on July 10, 2013.

B. The Governor's January 28, 2014 SIP Submittal

On August 7, 2013 the UAQB proposed for public comment amendments to the Utah SIP for Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County and Utah Rule R307–110–36. These proposed revisions superseded and replaced those previous revisions to the SIP for Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County and Utah Rule R307–110–36 that the Governor had submitted to EPA with his letter to EPA dated January 10, 2013. Included with the state's administrative documentation for these SIP and Rule revisions were letters dated October 23, 2013 and October 24, 2013 from Bryce Bird, Director, UDAQ, to the UAQB. Both of these letters indicated that a

[2] For further information and citations to the relevant Utah statutes that govern rulemaking, please refer to the Web site of the Division of Administrative Rules: *http://www.rules.utah.gov/*

public comment period was held from September 1 through October 1, 2013, regarding the proposed Cache County I/M program (ref. October 24, 2013 letter) and Utah Rule R307–110–36 (ref. October 23, 2013 letter) revisions, and that no public comments were received and no public hearings were requested. In consideration of these two letters, the UAQB subsequently adopted the proposed revisions on November 6, 2013. The SIP and Rule revisions became State effective on November 7, 2013, and were submitted by the Governor to EPA by a letter dated January 28, 2014. By a subsequent letter dated February 4, 2014, Bryce Bird, Director, UDAQ submitted the necessary administrative documentation that supported the Governor's submittal.

We evaluated Utah's January 28, 2014 submittal and determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. By a letter dated June 30, 2014, we advised the Governor that the SIP and Rule revisions submittal was deemed to have met the minimum ''completeness'' criteria found in 40 CFR part 51, Appendix V.

III. EPA's Evaluation of the State's Revisions to Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability

As noted in section I of this action, Section X of the Utah SIP addresses the provisions and requirements for the motor vehicle I/M programs administered by five counties in Utah. Section X of the SIP is divided into six subparts, ''A'' through ''F,'' with Part A addressing general requirements and applicability provisions that are common to each of the counties' I/M programs. Section X, Part A is entitled ''Vehicle Inspection and Maintenance Program, General Requirements and Applicability,'' and its current provisions and requirements, as updated by the Governor's SIP submittal of January 10, 2013, are discussed below:

A. Utah SIP Section X, Part A: ''Requirements.''

We provided a full analysis of the revisions to this section of the SIP in our proposed rule of November 10, 2014 (79 FR 66670). For the specific discussion, the reader is directed to section IV of our proposed rule which is entitled ''IV. EPA's Evaluation of the State's Revisions to Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.'' Please see page 79 FR 66672.

B. Utah SIP Section X, Part A: ''General Applicability.''

We provided a full analysis of the revisions to this section of the SIP in our proposed rule of November 10, 2014 (79 FR 66670). For the specific discussion, the reader is directed to section IV of our proposed rule which entitled ''IV. EPA's Evaluation of the State's Revisions to Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.'' Please see pages 79 FR 66672 and 66673.

C. Utah SIP Section X, Part A: ''General Summary.''

We provided a full analysis of the revisions to this section of the SIP in our proposed rule of November 10, 2014 (79 FR 66670). For the specific discussion, the reader is directed to section IV of our proposed rule which entitled ''IV. EPA's Evaluation of the State's Revisions to Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.'' Please see page 79 FR 66673.

Based on EPA's review of Utah's revisions to SIP Section X, Vehicle Inspection and Maintenance Program, Part A, Requirements, General Applicability, and General Summary and in consideration of our full analysis as provided in our proposed rule of November 10, 2014 (79 FR 66670), we have concluded that our approval is warranted. As noted in our November 10, 2014 proposed rule, this conclusion incorporates our review of our prior approval of this section of the SIP (see 70 FR 66264, November 2, 2005) and the applicable sections of 40 CFR 51, subpart S (sections 51.350 to 51.373). We have determined that the revisions to Section X, Vehicle Inspection and Maintenance Program, Part A, Requirements, General Applicability, and General Summary sufficiently address the applicable sections of 40 CFR 51, subpart S for these particular aspects of Utah's five counties' I/M programs. We, therefore, are approving these revisions to the SIP.

IV. EPA's Evaluation of the State's Revisions to Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County

Section X, Part F of the Utah SIP addresses the provisions and requirements for the implementation of the motor vehicle I/M program in Cache County, Utah. Section X, Part F of the SIP contains three main components for the Cache County I/M program: (a.) The SIP language for Section X Part F that addresses applicability, a general description of the Cache County I/M program, and the time frame for implementation of the I/M program; (b.) the Cache County Emission Inspection/Maintenance Program Ordinance 2013–4; and (c.) the Bear River Health Department's Regulation 2013–1. We note that the Cache County Ordinance 2013–4 contains language which delegates the implementation of the Cache County I/M program to the Bear River Health Department (BRHD). All of the above documents were adopted by the UAQB on November 6, 2013 and were included with the Governor's SIP submittal of January 28, 2014. The documents were supplemented by the February 4, 2014 UDAQ submittal of the administrative documentation and are discussed in further detail below.

A. Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County; Applicability, Description of the Cache County I/M Program, and I/M SIP Implementation

1. *Applicability.* We provided a full analysis of the revisions to this section of the SIP in our proposed rule of November 10, 2014 (79 FR 66670). For the specific discussion, the reader is directed to section V of our proposed rule which entitled ''V. EPA's Evaluation of the State's Revisions to Section X, Part F, Cache County Vehicle Inspection and Maintenance Program.'' Please see page 79 FR 66674.

2. *Description of Cache County I/M Program.* We provided a full analysis of the revisions to this section of the SIP in our proposed rule of November 10, 2014 (79 FR 66670). For the specific discussion, the reader is directed to section V of our proposed rule which is entitled ''V. EPA's Evaluation of the State's Revisions to Section X, Part F, Cache County Vehicle Inspection and Maintenance Program.'' Please see page 79 FR 66674. Our evaluation discussed components of the Cache County's I/M program involving such aspects as; *Network Type, Test Convenience, Subject fleet, Station/inspector Audits, Waivers, Test frequency, Test Equipment,* and *Test Procedures.*

3. *I/M SIP Implementation.* Our proposed rule of November 10, 2014 (79 FR 66670) noted on page 79 FR 66674 that the SIP states the following to address I/M implementation: ''The I/M program ordinance, regulations, policies, procedures, and activities specified in this I/M SIP revision shall be implemented by January 1, 2014 and shall continue until a maintenance plan without an I/M program is approved by EPA in accordance with Section 175 of the Clean Air Act.''

B. Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County; Appendix 1, Cache County Emission Inspection/Maintenance Program Ordinance 2013–4

We provided a full analysis of the revisions to this section of the SIP in our proposed rule of November 10, 2014 (79 FR 66670). For the specific discussion, the reader is directed to section V of our proposed rule which is entitled ''V. EPA's Evaluation of the State's Revisions to Section X, Part F, Cache County Vehicle Inspection and Maintenance Program.'' Please see page 79 FR 66674. Our evaluation discussed components of the Cache County's I/M program involving such aspects as: Section 1, *Purpose;* section 2, *Powers and Duties;* section 3, *General Provisions;* section 4, *Guidelines to be Followed by the Bear River Board of Health in Implementing a Vehicle Emission Inspection and Maintenance Program in Cache County;* section 5, *Review of Need for Program;* and section 6, *Effective Date.* Of particular note is section 2.3, which delegates implementation of the I/M program to the BRHD, and section 4, which sets several of the parameters for BRHD's program implementation, including test schedules, fees, and waivers.

C. Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County; Appendix 2, Bear River Health Department Regulation 2013–1

This section of the SIP provides the BRHD's I/M regulation. The Cache County I/M program is not a CAA mandated program and is, therefore, allotted a certain amount of flexibility in the level of applicable requirements as compared to a CAA or otherwise required mandatory I/M program. The purpose of the Cache County I/M program is to achieve reductions in $PM_{2.5}$ NAAQS precursor emissions of NOx and VOCs, to improve air quality, and to provide emission reductions for use in a dispersion modeled SIP attainment demonstration. To facilitate these objectives, EPA's analysis of the BRHD's Regulation 2013–1 included a comparison of the BRHD's Regulation 2013–1 to applicable sections of 40 CFR 51, subpart S ''Inspection/Maintenance Program Requirements.'' EPA's analysis of the BRHD's Regulation 2013–1 was accomplished as described below.

EPA reviewed the BRHD's Regulation 2013–1 for consistency with appropriate sections of the federal I/M regulations, as applicable to a non-mandatory I/M program, as codified in 40 CFR 51, subpart S, sections 51.350 through 51.373. We provided a full analysis of the revisions to this section of the SIP in our proposed rule of November 10, 2014 (79 FR 66670). For the specific discussion, the reader is directed to section V of our proposed rule which entitled ''V. EPA's Evaluation of the State's Revisions to Section X, Part F, Cache County Vehicle Inspection and Maintenance Program.'' Please see pages 79 FR 66674 through 66678. Our evaluation discussed components of Cache County's I/M program, with specific references to the particular sections of the BRHD's Regulation 2013–1 and how they appropriately addressed the applicable federal requirements including: 40 CFR 51.350—Applicability; 40 CFR 51.351—Enhanced I/M Performance Standard and 40 CFR 51.352—Basic I/M Performance Standard; 40 CFR 51.353—Network Type; 40 CFR 51.354—Adequate Tools and Resources; 40 CFR 51.355—Test Frequency and Convenience; 40 CFR 51.356—Vehicle Coverage; 40 CFR 51.357—Test Procedures and Standards; 40 CFR 51.358—Test Equipment; 40 CFR 51.359—Quality Control; 40 CFR 51.360—Waivers; 40 CFR 51.361—Motorist Compliance Enforcement; 40 CFR 51.362—Motorist Compliance Enforcement Program Oversight; 40 CFR 51.363—Quality Assurance; 40 CFR 51.364—Enforcement Against Contractors, Stations, and Inspectors; 40 CFR 51.365—Data Collection; 40 CFR 51.366—Data Analysis and Reporting; 40 CFR 51.367—Inspector Training and Licensing or Certification; 40 CFR 51.368—Public Information and Consumer Protection; 40 CFR 51.369—Improving Repair Effectiveness; 40 CFR 51.370—Compliance with Recall Notices; 40 CFR 51.371—On-road Testing; 40 CFR 51.372—State Implementation Plan Submittals; and 40 CFR 51.373—Implementation Deadlines.

D. Conclusion

Our review, as presented in our November 10, 2014 proposed rule (79 FR 66670) and reiterated herein, involved: (1.) Section X, Part F, Vehicle Inspection and Maintenance Program, (2.) Section X, Part F, Appendix 1, which is the Cache County Ordinance 2013–4, and (3.) Appendix 2, which is the BRHD's Regulation 2013–1, all as compared to the applicable provisions of 40 CFR 51, subpart S for a non-mandatory I/M program. Based on our review, we have determined that the SIP revisions sufficiently address the applicable provisions in 40 CFR 51, subpart S for a non-mandatory I/M program and that our approval is warranted. We are, therefore, approving the Cache County I/M program as described and authorized in Section X, Vehicle Inspection and Maintenance Program, Part F, which includes Appendix 1 which is the Cache County Ordinance 2013–4, and Appendix 2 which is the BRHD's Regulation 2013–1.

E. Special Consideration of the Diesel I/M Provisions in the BRHD's Regulation 2013–1

As we discussed in our proposed rule (79 FR 66670, November 10, 2014), the Cache County I/M program is not a CAA mandatory or otherwise required I/M program. EPA takes note of the provisions in the BRHD's Regulation 2013–1, Section 9.4.6, which states that ''[a]ll diesel powered vehicles model year 1998 and newer shall be tested as specified in Appendix D, Diesel Test Procedures.'' Appendix D of Regulation 2013–1 is entitled ''Test Procedures'' and contains test procedures for OBDII, Two Speed Idle (TSI), and for Diesel Powered Vehicles.

At this time, EPA has not promulgated specific I/M requirements for diesel I/M programs. We have, to date, only issued policy guidance regarding the gathering of OBD information from OBD-equipped diesel vehicles.[3] As such, we do not have regulatory language in 40 CFR 51, subpart S to compare the diesel I/M requirements in the BRHD's Regulation 2013–1 for potential SIP approval and SIP credit. However, EPA does believe the above noted diesel I/M provisions in the BRHD's Regulation 2013–1 have potential merit for evaluating diesel vehicles and for reducing emissions from diesel vehicles. We are therefore also approving the diesel I/M provisions in the BRHD's Regulation 2013–1; however, our approval is only for the purposes of strengthening the SIP and we are not approving the provisions as a diesel I/M program nor assigning any SIP credit.

V. EPA's Evaluation of the State's Associated Revisions to Utah Rules R307–110–1, R307–110–31, and R307–110–36

A. Revisions to Utah Rule R307–110–1; Incorporation by Reference

As discussed in our proposed rule of November 10, 2014 (79 FR 66670), the purpose of the revisions to R307–110–1 is to incorporate by reference the Utah SIP into this section of the Utah

[3] See EPA Office of Transportation and Air Quality: ''Best Practices for Addressing OBD Readiness in IM Testing of Diesel Vehicles Under 14,000 Pounds Gross Vehicle Weight Rating,'' March 07, 2013.

Administrative Rules and to advise the public that the SIP is available on the UDAQ's Web site. EPA finds this an administrative revision that merely incorporates the Utah SIP into the State's Rules, which are a portion of Utah's Codified Law, along with providing the public information that the SIP can be accessed via the internet on the UDAQ's Web site. The revisions to R307–110–1 were adopted by the UAQB on December 5, 2012, became state-effective on December 6, 2012, and were as submitted by the Governor by a letter dated January 10, 2013. By a subsequent letter dated February 25, 2013, Bryce Bird, Director, UDAQ, submitted the necessary administrative documentation that supported the Governor's submittal.

B. Revisions to Utah Rule R307–110–31; Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability

As discussed in our proposed rule of November 10, 2014 (79 FR 66670), the purpose of the revisions to R307–110–31 is to incorporate by reference into the Utah Rules, SIP Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, as adopted by the UAQB on December 5, 2012, and which became state-effective on December 6, 2012. The revisions to SIP Section X, Part A, were those as we discussed above in sections I, II, and III of this action, and in our proposed rule, and were as submitted by the Governor by a letter dated January 10, 2013. By a subsequent letter dated February 25, 2013, Bryce Bird, Director, UDAQ, submitted the necessary administrative documentation that supported the Governor's submittal.

C. Revisions to Utah Rule R307–110–36; Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County

As discussed in our proposed rule of November 10, 2014 (79 FR 66670), the purpose of the revisions to R307–110–36 is to incorporate by reference into the Utah Rules, SIP Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County, as initially adopted by the UAQB on December 5, 2012, and as superseded by the revisions as adopted by the UAQB on November 6, 2013. Those revisions that were adopted by the UAQB on November 6, 2013, became State-effective on November 7, 2013, and are the revisions to SIP Section X, Part F that we discussed above in sections I, II, and IV of this action and in our proposed rule. The November 7, 2013, effective revisions were submitted by the Governor by a letter dated January 28, 2014 and were supported by a subsequent letter, dated February 4, 2014, from Bryce Bird, Director, UDAQ, which submitted the necessary administrative documentation.

The revisions to Utah Rules R307–110–1, R307–110–31, and R307–110–36, as discussed in our proposed rule (79 FR 66670, November 10, 2014) and herein, incorporate by reference the applicable SIP revisions into the Utah Administrative Rules which then codifies them in the Utah Administrative Code. This is acceptable to EPA and we are, therefore, approving these SIP revisions to Utah Rules R307–110–1, R307–110–31, and R307–110–36.

VI. Consideration of Section 110(l) of the Clean Air Act

Section 110(l) of the CAA states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of a NAAQS or any other applicable requirement of the CAA. The provisions of Utah SIP Section X, Part A contain I/M provisions that were previously approved by EPA and were also simultaneously contained in the Utah's SIP Section X for each of the county's I/M programs (*i.e.,* Part B, Part C, Part D, and Part E). The SIP revisions to Section X, Part A do not weaken the previously approved requirements and provisions in Section X, Part A of the SIP, nor do they reduce the emission reductions achieved by the original program areas. Instead, the revisions to SIP Section X, Part A reorganize and expand the existing requirements and provisions, to reflect the redundant language that previously appeared in Parts B, C, D, and E, and to expand SIP Section X, Part A to include the Cache County I/M program (Part F). The revisions to SIP Section X, Part F incorporate a new I/M program for Cache County that will help to reduce $PM_{2.5}$ precursor emissions of NOx and VOCs. The revisions to Utah Rules R307–110–1, R307–110–31, and R307–110–36 merely incorporate by reference the applicable SIP revisions into the Utah Administrative Rules which then codifies them in the Utah Administrative Code. In view of the above, EPA finds that the revisions to Utah SIP Section X, Part A, Utah SIP Section X Part F, and Utah Rules R307–110–1, R307–110–31, and R307–110–36 will not interfere with attainment, reasonable further progress, or any other applicable requirement of the CAA.

VII. Final Action

EPA is approving the January 10, 2013 submitted SIP revisions to Utah's SIP Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, and to Utah Rules R307–110–1 and R307–110–31. In addition, EPA is approving the January 28, 2014 submitted SIP revisions to Utah's SIP Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County, with clarification below, and to Utah Rule R307–110–36.[4] EPA clarifies that with its approval of Utah's SIP Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County, Appendix 2, the provisions in the BRHD's Regulation 2013–1, Section 9.4.6 and the diesel test procedures as specified in BRHD's Regulation 2013–1, Appendix D are being approved only for purposes of strengthening the SIP. These provisions are not being approved as a diesel I/M program and are not being assigned any SIP credit.

VIII. Incorporation by Reference

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

IX. Statutory and Executive Order Reviews

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

[4] In the February 25, 2013 letter from Bryce Bird, Utah proposed to renumber Utah Rule R307–110–36, Section XXIII, Interstate Transport to Utah Rule R307–110–37. EPA plans to take action on that request in a different rulemaking. By approving R307–110–36, Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County in this action, EPA is not superseding or removing R307–110–36, Section XXIII, Interstate Transport from the federally-enforceable SIP.

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 se.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et se.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 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 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 November 9, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: July 1, 2015.

Shaun L. McGrath,

Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52 [AMENDED]

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

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

Subpart TT—Utah

■ 2. Section 52.2320 is amended by adding paragraph (c)(80) to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(80) Revisions to the Utah State Implementation Plan involving Section X, *Vehicle Inspection and Maintenance Program,* Part A, *General Requirements and Applicability,* and Utah Rules R307–110–1 and R307–110–31. The Utah Air Quality Board (UAQB) adopted these SIP revisions on December 5, 2012, they became state effective on December 6, 2012, and were submitted by the Governor to EPA by a letter dated January 10, 2013. In addition, revisions to the Utah State Implementation Plan involving; Section X, *Vehicle Inspection and Maintenance Program,* Part F, *Cache County* and Utah Rule R307–110–36 were submitted for Agency action. These SIP revisions were adopted by the UAQB November 6, 2013, they became State effective on November 7, 2013, and were submitted by the Governor to EPA by a letter dated January 28, 2014.

(*i*) Incorporation by reference.

(A)(*1*) Utah Rules R307, *Environmental Quality, Air Quality,* R307–110, *General Requirements: State Implementation Plan,* R307–110–1, *Incorporation by Reference,* and R307–110–31, *Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability;* effective December 6, 2012, as proposed in the Utah State Bulletin on October 1, 2012, and published as adopted in the Utah State Bulletin on January 1, 2013.

(*2*) *Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability,* adopted by the Utah Air Quality Board on December 5, 2012. (B)(*1*) Utah Rule R307, *Environmental Quality, Air Quality,* R307–110, *General Requirements: State Implementation Plan,* R307–110–36, *Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County;* effective November 7, 2013, as proposed in the Utah State Bulletin on September 1, 2013, and published as adopted in the Utah State Bulletin on December 1, 2013.

(*2*) *Section X, Vehicle Inspection and Maintenance Program Part F, Cache County,* adopted by the Utah Air Quality Board on November 6, 2013.

* * * * *

[FR Doc. 2015–22594 Filed 9–8–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0506; FRL–9930–04]

Cyprodinil; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of cyprodinil in or on multiple commodities that are identified and discussed later in this document, and removes the established tolerance on fruit, stone, group 12. Interregional Research Project Number 4

(IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 9, 2015. Objections and requests for hearings must be received on or before November 9, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0506, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0506 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 9, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0506, 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 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.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of September 5, 2014 (79 FR 53009) (FRL–9914–98), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4E8293) by IR–4, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide cyprodinil, 4-cyclopropyl-6-methyl-*N*-phenyl-2-pyrimidinamine, in or on acerola at 1.5 parts per million (ppm); artichoke, globe at 4.0 ppm; feijoa at 1.5 ppm; fruit, stone group 12–12 at 2.0 ppm; guava at 1.5 ppm; jaboticaba at 1.5 ppm; passionfruit at 1.5 ppm; pomegranate at 7.0 ppm; starfruit at 1.5 ppm; and wax jambu at 1.5 ppm. This petition additionally requested to remove the tolerance in 40 CFR 180.532 for residues of cyprodinil in or on fruit, stone, group 12 at 2.0 ppm. That document referenced a summary of the petition prepared on behalf of IR–4 by Syngenta Crop Protection, the registrant, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has revised the proposed tolerance on pomegranate, and has revised the commodity definition for artichoke to artichoke, globe. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on

aggregate exposure for cyprodinil including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with cyprodinil follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The major target organs of cyprodinil are the liver and the kidney. Liver effects were consistent among rats and mice in both subchronic and chronic studies and typically included increased liver weights and increases in serum clinical chemistry parameters, associated with adverse effects on liver function (*i.e.,* increased cholesterol and phospholipid levels). Microscopic lesions in rats and mice included hepatocyte hypertrophy and hepatocellular necrosis. In the kidneys, chronic tubular lesions and chronic kidney inflammation following subchronic exposure and increased kidney weights and progressive nephropathy following chronic exposures in male rats. Chronic effects in dogs were limited to decreased body-weight gain, decreased food consumption and decreased food efficiency. The hematopoietic system also appeared to be a target of cyprodinil, as mild anemia was seen following subchronic rat exposure (reductions in hematocrit and hemoglobin and microcytosis). Although increases in thyroid weight or hypertrophy of thyroid follicular cells were observed at higher doses in the 28-day and 90-day oral toxicity study in rats, treatment-related changes in thyroid weights or gross/microscopic observations were not observed in the chronic rat study or in other studies.

A 28-day dietary immunotoxicity study in mice resulted in no apparent suppression of the humoral component of the immune system. The only effect attributed to cyprodinil treatment was higher liver weights at the highest dose tested. There were no treatment-related effects on spleen or thymus weights; no effects on specific activity or total activity of splenic immunoglobulin M (IgM) antibody-forming cells to the T cell-dependent antigen sheep red blood cells (sRBC).

An acute neurotoxicity study indicated systemic toxicity with signs of induced hunched posture, pilorection, and reduced responsiveness to sensory stimuli and reduced motor activity. Clinical signs, hypothermia, and changes in motor activity were found to be reversible by day 8 and 15 investigations. A subchronic neurotoxicity study showed no treatment related effects on mortality, clinical signs, or gross or histological neuropathology. Functional observational battery (FOB) and motor activity testing revealed no treatment related effects up to the highest dose tested.

There was no evidence of increased susceptibility in the developmental rat or rabbit study following *in utero* exposure or in the two-generation reproduction study following pre- and post-natal exposure. Fetal toxicity, manifested as significantly lower fetal weights and an increased incidence of delayed ossification in the rat and a slight increase in litters showing extra ribs in the rabbit, was reported in developmental toxicity studies. In a rat two-generation reproduction study, significantly lower pup weights for F_1 and F_2 offspring were observed. Each of these fetal or neonatal effects occurred at the same dose levels at which maternal toxicity (decreased body weight gain) was observed and were considered to be secondary to maternal toxicity.

Specific information on the studies received and the nature of the adverse effects caused by cyprodinil as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document: *Cyprodinil. Human Health Risk Assessment for the Expansion of Existing Crop Group/Representative Commodity Uses to Stone Fruit Group 12–12, and Adding New Uses on the Artichoke, Guava, Pomegranate, Passionfruit, Feijoa, Jaboticaba, Wax Jambu, Starfruit, and Acerola and Amended Uses on Greenhouse Cucumbers and Small Tomatoes* at pages 36–40 in docket ID number EPA–HQ–OPP–2014–0506.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for cyprodinil used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of October 16, 2012 (77 FR 49732) (FRL–9359–7).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to cyprodinil, EPA considered exposure under the petitioned-for tolerances as well as all existing cyprodinil tolerances in 40 CFR 180.532. EPA assessed dietary exposures from cyprodinil in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for cyprodinil. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA), from 2003 to 2008. As to residue levels in food, EPA utilized tolerance-level residues and 100 percent crop treated (PCT) for all commodities. The acute assessment also incorporated Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 3.18 default processing factors; and empirical processing factors for tomato paste/tomato puree and lemon/lime juice, where 1X empirical processing factors were used to modify the tolerance values.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA NHANES/WWEIA. As to residue levels in food, EPA utilized average field trial residues for pome fruit, head lettuce, leaf lettuce, spinach, tomato, and grape and tolerance-level residues for the remaining commodities. The Agency also assumed 100 PCT. The chronic assessment also incorporated DEEM default processing factors except for tomato paste/tomato puree and lemon juice/lime juice, where a 1X empirical processing factor was used to modify the tolerance values.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that cyprodinil does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

2. *Dietary exposure from drinking water.* The residues of concern in drinking water for risk assessment purposes are cyprodinil and the degradate CGA 249287. The estimated drinking water concentrations (EDWCs) for each of these was calculated using a molecular weight conversion and then combined for each modeled scenario. The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for cyprodinil and CGA 249287 in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of cyprodinil and CGA 249287. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS), Screening Concentration in Ground Water (SCI–GROW), and Pesticide Root Zone Model for Groundwater (PRZM–GW) models, the EDWCs of cyprodinil and CGA 249287 for acute exposures are estimated to be 34.8 parts per billion (ppb) for surface water and 2.05 ppb for ground water. EDWCs for chronic exposures for non-cancer assessments are estimated to be 24.7 ppb for surface water and 1.80 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. The water concentration values of 34.8 ppb and 24.7 ppb were used to assess the contribution to drinking water for the acute and chronic dietary risk assessments, respectively.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Cyprodinil is currently registered for the following uses that could result in residential exposures: Ornamental landscapes. EPA assessed residential exposure using the following assumptions: Short-term inhalation exposures to adult residential handlers from the application of cyprodinil to ornamental landscapes. The residential handler exposure scenarios were considered to be short-term only, due to the infrequent use patterns associated with homeowner products. Dermal exposures were not assessed since there was no dermal endpoint identified for cyprodinil. Postapplication exposures to adults or children were not expected and were not assessed. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/science/residential-exposure-sop.html.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found cyprodinil to share a common mechanism of toxicity with any other substances, and cyprodinil does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that cyprodinil does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* In a rat developmental toxicity study, there were significantly lower mean fetal weights in the high dose group compared to controls as well as a significant increase in skeletal anomalies in the high dose group due to abnormal ossification. The skeletal anomalies or variations were considered to be a transient developmental delay that occurred secondary to the maternal toxicity noted in the high dose group. In the rabbit study, the only treatment-related developmental effect was the indication of an increased incidence of a 13th rib at maternally toxic doses. Signs of fetal effects in the reproductive toxicity study included significantly lower F1 and F2 pup weights in the high dose group during lactation, which continued to be lower than controls post-weaning and after the pre-mating period in the F1 generation. Reproductive effects were seen only at doses that also caused parental toxicity.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X for non-inhalation exposure scenarios. For inhalation exposure scenarios for all population groups, EPA is retaining a 10X FQPA SF. That decision is based on the following findings:

i. The toxicity database for cyprodinil is complete, except for a 90-day inhalation toxicity study. In the absence of a route-specific inhalation study, EPA is relying on the 28-day feeding/range-

finding rat oral study to estimate risk from inhalation exposures. EPA has determined that the use of this study to extrapolate an inhalation endpoint may understate risk. Accordingly, to address this uncertainty, EPA has concluded that the 10X FQPA SF should be retained for risk assessments involving inhalation exposure.

ii. As to evidence of neurotoxicity, in an acute neurotoxicity study in rats clinical signs, hypothermia, and changes in motor activity were all found to be reversible and no longer seen at day 8 and 15 investigations. There were no treatment-related effects on mortality or gross or histological neuropathology. Reduced motor activity, induced hunched posture, piloerection and reduced responsiveness to sensory stimuli were observed and disappeared in all animals by day three to four. For the subchronic neurotoxicity study in rats, there was no indication that cyprodinil is a neurotoxic chemical. Based on this evidence, there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. When toxicity was observed in the prenatal developmental toxicity studies in rats and rabbits and the two-generation reproduction study in rats, toxicity to the fetuses or offspring occurred at the same doses at which effects were observed in maternal/parental animals. Additionally, the skeletal anomalies or variations were considered to be a transient developmental delay that occurred secondary to the maternal toxicity noted in the high dose group. Therefore, there is no evidence that cyprodinil results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the two-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The acute dietary assessment was conservative and based upon 100 PCT and tolerance-level residues, as well as DEEM default and empirical processing factors. The chronic dietary assessment was partially refined with average field trial residues for some commodities and tolerance-level residues for the remaining commodities. DEEM default and empirical processing factors were also incorporated into the chronic dietary assessment. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to cyprodinil in drinking water. Based on the discussion in Unit III.C.3, postapplication exposure of children as well as incidental oral exposure of toddlers is not expected. These assessments will not underestimate the exposure and risks posed by cyprodinil.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to cyprodinil will occupy 8.6% of the aPAD for children one to two years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to cyprodinil from food and water will utilize 85% of the cPAD for children one to two years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of cyprodinil is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Cyprodinil is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to cyprodinil.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in an aggregate MOE of 7,900. Because EPA's level of concern for cyprodinil is a MOE of 1,000 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). An intermediate-term adverse effect was identified; however, cyprodinil is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for cyprodinil.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, cyprodinil is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to cyprodinil residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate high performance liquid chromatography, using ultra-violet detection (HPLC/UV) methods (Methods AG–631 and AG–631B) are available to enforce the tolerance expression of cyprodinil in/on plant commodities.

The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however,

FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established MRLs for cyprodinil in or on stone fruit at 2.0 ppm. This MRL is the same as the tolerance established for cyprodinil in the United States for fruit, stone, group 12–12. The Codex has not established a MRL for cyprodinil in or on the other commodities associated with this action.

C. Response to Comments

Several comments were received in response to the notice of filing. All but one were concerned with potential environmental impacts, and were not specifically related to the cyprodinil action. EPA notes that these comments address potential environmental concerns; however, the safety standard for approving tolerances under section 408 of the FFDCA focuses on potential harms to human health and does not permit consideration of effects on the environment.

One additional comment was received that did not specifically address the cyprodinil action, but that raised concerns about the toxicity of pesticides and requested that no tolerance be established. The Agency understands the commenter's concerns and recognizes that some individuals believe that pesticides should be banned on agricultural crops. However, the existing legal framework provided by section 408 of the FFDCA states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. This citizen's comment appears to be directed at the underlying statute and not EPA's implementation of it; the citizen has made no contention that EPA has acted in violation of the statutory framework. EPA has found that there is a reasonable certainty of no harm to humans after considering the toxicological studies and the exposure levels of humans to cyprodinil.

D. Revisions to Petitioned-For Tolerances

Based on the data submitted with the petition, EPA has determined that the proposed tolerance in or on pomegranate at 7.0 ppm should be established at 10 ppm. This tolerance level was determined by the Organization for Economic Cooperation and Development tolerance calculation procedures. Additionally, the Agency is establishing a tolerance in or on artichoke, globe, rather than the petitioned-for commodity artichoke in order to provide the correct commodity definition.

V. Conclusion

Therefore, tolerances are established for residues of cyprodinil, 4-cyclopropyl-6-methyl-*N*-phenyl-2-pyrimidinamine, in or on acerola at 1.5 ppm; artichoke, globe at 4.0 ppm; feijoa at 1.5 ppm; fruit, stone, group 12–12 at 2.0 ppm; guava at 1.5 ppm; jaboticaba at 1.5 ppm; passionfruit at 1.5 ppm; pomegranate at 10 ppm; starfruit at 1.5 ppm; and wax jambu at 1.5 ppm. Additionally, this action removes the tolerance established in or on fruit, stone, group 12 at 2.0 ppm as that crop group tolerance is superseded by the tolerance being established in this action for crop group 12–12.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 13, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.532, remove the entry, ''Fruit, stone, group 12'' and alphabetically add the following commodities to the table in paragraph (a) to read as follows:

§ 180.532 Cyprodinil; tolerances for residues.

(a) * * *

Commodity	Parts per million
Acerola	1.5
* * * * *	
Artichoke, globe	4.0
* * * * *	
Feijoa	1.5
* * * * *	
Fruit, stone, group 12–12	2.0
* * * * *	
Guava	1.5
* * * * *	
Jaboticaba	1.5
* * * * *	
Passionfruit	1.5
* * * * *	
Pomegranate	10
* * * * *	
Starfruit	1.5
* * * * *	
Wax jambu	1.5

* * * * *

[FR Doc. 2015–22031 Filed 9–8–15; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0143; FRL–9932–06]

Propylene Glycol Monomethyl Ether; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of propylene glycol monomethyl ether (PGME; CAS No. 107–98–2) when used as an inert ingredient under 40 CFR 180.910 as a solvent in pesticide formulations which include pre-and post–harvest use on crops. Syngenta Crop Protection submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of PGME.

DATES: This regulation is effective September 9, 2015. Objections and requests for hearings must be received on or before November 9, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0143, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2015–0143 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 9, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2015–0143, 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 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.*

II. Petition for Exemption

In the **Federal Register** of April 6, 2015 (80 FR 18327) (FRL–9924–00), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition inert ingredient (PP IN–10775) by Syngenta Crop Protection, P.O. Box 18300, Greensboro, NC 27409, The petition requested that 40 CFR 180.910 be amended by establishing an

exemption from the requirement of a tolerance for residues of PGME (CAS No. 107–98–2) when used as an inert ingredient as a solvent in pesticide formulations applied to pre- and post–harvest use on crops. That document referenced a summary of the petition prepared by Syngenta Crop Protection, the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for PGME including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with PGME follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by PGME as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

PGME exhibits low acute toxicity by the oral, dermal, and inhalation routes. PGME is not a skin sensitizer or skin irritant and was only slightly irritating to the eye. In repeat dose inhalation studies ranging from 11 days to six months in duration, NOAELs of 300 parts per million (ppm) and higher were seen in rats, mice, rabbits, guinea pigs and monkeys. Effects observed included sedation, hepatic changes and a decrease in body weight gain. Oral NOAELs of 459.5 milligram/kilogram/day (mg/kg/day) and 919 mg/kg/day were observed in rat studies lasting 13 and 5 weeks, respectively. Observations included central nervous system (CNS) effects at very high doses (above limit dose of 1,000 mg/kg/day), enlarged livers and weight loss. In a reproduction study conducted via the inhalation route, offspring effects seen at 3,000 ppm appear to be related to decreased maternal body weight and secondary to general toxicity and nutritional stress. Decreased maternal body weight was also noted at the next lower dose. NOAELs in this study were 300 ppm for adults and 1,000 ppm for offspring. Studies with rats, mice, and rabbits showed that PGME was not a developmental toxicant (two inhalation and three gavage studies). Weight-of-evidence indicates that PGME is not genotoxic or carcinogenic. In a 2-year bioassay, there were no statistically significant increases in any tumor type in rats and mice.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which the NOAEL and the LOAEL are identified. Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

No acute adverse effect level has been selected for PGME. The chronic NOAEL of 459.5 mg/kg/day was based on CNS effects at very high doses, enlarged livers and weight loss in a 13 week oral study in rats.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to PGME, EPA considered

exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from PGME in food as follows:

An acute dietary risk assessment was not conducted because no endpoint of concern following a single exposure was identified in the available studies. A chronic dietary exposure assessment was completed and performed using the Dietary Exposure Evaluation Model DEEM–FCID™, Version 3.16.which includes food consumption information from the U.S. Department of Agriculture's National Health and Nutrition Examination Survey, ''What We Eat In America'', (NHANES/WWEIA). This dietary survey was conducted from 2003 to 2008. In the absence of actual residue data, the inert ingredient evaluation is based on a highly conservative model that assumes that the residue level of the inert ingredient would be no higher than the highest established tolerance for an active ingredient on a given commodity. Implicit in this assumption is that there would be similar rates of degradation between the active and inert ingredient (if any) and that the concentration of inert ingredient in the scenarios leading to these highest of tolerances would be no higher than the concentration of the active ingredient. The model assumes 100 percent crop treated (PCT) for all crops and that every food eaten by a person each day has tolerance-level residues. A complete description of the general approach taken to assess inert ingredient risks in the absence of residue data is contained in the memorandum entitled ''Alkyl Amines Polyalkoxylates (Cluster 4): Acute and Chronic Aggregate (Food and Drinking Water) Dietary Exposure and Risk Assessments for the Inerts'' (D361707, S. Piper, 2/25/09) and can be found at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2008–0738.

2. *Dietary exposure from drinking water.* For the purpose of the screening level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for PGME, a conservative drinking water concentration value of 100 parts per billion (ppb) based on screening level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessments for parent compound. These values were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables). The highest exposures to consumers are likely to be associated with the use of paints and varnishes that contain PGME with some small dermal exposures possible. Inhalation exposures to relatively high concentrations of PGME are believed to be self-limiting due to the irritant effects of the chemical. Based on this residential exposure assessment, exposure to PGME would be low (less than 2 mg/kg/day). This level of exposure would be two orders of magnitude below that which would be of concern for PGME.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found PGME to share a common mechanism of toxicity with any other substances, and PGME does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that PGME does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* Studies in laboratory animals indicate that PGME is not a developmental toxicant when administered via inhalation or ingestion. Developmental studies conducted in rats and rabbits with PGME administered via inhalation showed no developmental toxicity in the rabbit and developmental delays (delayed sternebral ossification) in the rat but only in the presence of maternal toxicity. In oral developmental studies in rats, mice, and rabbits, developmental delays were seen only in the rat fetuses at the highest dose tested.

3. *Conclusion.* Based on this information there is no concern for increased sensitivity to infants and children to PGME when used as an inert ingredient in pesticide formulations. For the same reason, a safety factor analysis has not been used to assess risk to PGME and, therefore, the additional safety factor for the protection of infants and children is also unnecessary.

EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for PGME is complete.

ii. There is a clinical signs of neurotoxicity observed at very high oral doses. However, there are no concern at this time because the clinical signs were observed at or above limit doses. Therefore there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that PGME results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% CT and model estimates from the use of PGME in pesticidal formulations resulting in chronic dietary exposure estimates for food and drinking water below the Agency's level of concern. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to PGME in drinking water. EPA used similarly conservative assumptions to assess postapplication exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by PGME.

E. Aggregate Risks and Determination of Safety

Determination of safety section. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic

PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, PGME is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to PGME from food and water will utilize 15.4% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in this unit, regarding residential use patterns, chronic residential exposure to residues of PGME is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

PGME may be used as an inert ingredient in pesticide products that are registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to PGME.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures are below EPA's level of concern for PGME based on highly conservative assumptions made regarding residential and dietary exposures to PGME as described in Unit IV. Section C.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

PGME may be used as an inert ingredient in pesticide products that are registered for uses that could result in intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to PGME.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined intermediate-term food, water, and residential exposures are below EPA's level of concern for PGME based on highly conservative assumptions made regarding residential and dietary exposures to PGME as described in Unit IV. Section C.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, PGME is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to PGME residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nation Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for PGME.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.910 for PGME (CAS No. 107–98–2) when used as an inert ingredient (as a solvent) in pesticide formulations applied to crops, post-harvest.

VII. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as

described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 17, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.910, add alphabetically the following inert ingredient to the table to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * *	* *	*
Propylene glycol monomethyl ether (CAS No. 107–98–2)	none	solvent.
* * * *	* *	*

[FR Doc. 2015–22030 Filed 9–8–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket No. 15–53; FCC 15–62]

Concerning Effective Competition; Implementation of Section 111 of the STELA Reauthorization Act

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with the Commission's *Report and Order,* MB Docket No. 15–53, FCC 15–62. This document is consistent with the *Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the requirements.

DATES: The rule amendments and FCC Form 328, published at 80 FR 38001, July 2, 2015 are effective on September 9, 2015.

FOR FURTHER INFORMATION CONTACT: Cathy Williams, *Cathy.Williams@fcc.gov,* (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on August 25, 2015, OMB approved the information collection requirements contained in the Commission's *Report and Order,* FCC 15–62, published at 80 FR 38001, July 2, 2015. The OMB Control Numbers 3060–0550 and 3060–0560. The Commission publishes this document as an announcement of the effective date of the requirements. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Numbers, 3060–0550 and 3060–0560 in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on August 25, 2015, 2015, for the information collection requirements contained under OMB control numbers 3060–0550 and 3060–0560, and FCC Form 328.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Numbers are 3060–0550 and 3060–0560.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0550.

OMB Approval Date: August 25, 2015.

OMB Expiration Date: August 31, 2018.

Title: Local Franchising Authority Certification, FCC Form 328; Section 76.910, Franchising Authority Certification.

Form No.: FCC Form 328.

Respondents: State, local or tribal governments; Businesses or other for-profit entities.

Number of Respondents and Responses: 7 respondents; 13 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: One-time reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory

authority for this collection of information is contained in section 3 of the Cable Television Consumer Protection and Competition Act of 1992 (47 U.S.C. 543), as well as sections 4(i), 4(j), and 623 of the Communications Act of 1934, as amended, and section 111 of the STELA Reauthorization Act of 2014.

Total Annual Burden: 26 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On June 3, 2015, the Commission released a Report and Order, MB Docket No. 15–53; FCC 15–62. The Report and Order adopted a rebuttable presumption that cable operators are subject to competing provider effective competition.

The information collection requirements consist of:

FCC Form 328. Pursuant to section 76.910, a franchising authority must be certified by the Commission to regulate the basic service tier and associated equipment of a cable system within its jurisdiction. To obtain this certification, the franchising authority must prepare and submit FCC Form 328. The Report and Order revises section 76.910 to require a franchising authority filing Form 328 to submit specific evidence demonstrating its rebuttal of the presumption in section 76.906 that the cable system is subject to competing provider effective competition pursuant to section 76.905(b)(2). The franchising authority bears the burden of submitting evidence rebutting the presumption that competing provider effective competition, as defined in section 76.905(b)(2), exists in the franchise area. Unless a franchising authority has actual knowledge to the contrary, it may rely on the presumption in section 76.906 that the cable system is not subject to one of the other three types of effective competition.

Evidence establishing lack of effective competition. If the evidence establishing the lack of effective competition is not otherwise available, section 76.910(b)(4) provides that franchising authorities may request from a multichannel video programming distributor (''MVPD'') information regarding the MVPD's reach and number of subscribers. An MVPD must respond to such request within 15 days. Such responses may be limited to numerical totals.

Franchising authority's obligations if certified. Section 76.910(e) of the Commission's rules currently provides that, unless the Commission notifies the franchising authority otherwise, the certification will become effective 30 days after the date filed, provided, however, that the franchising authority may not regulate the rates of a cable system unless it: (1) Adopts regulations (i) consistent with the Commission's regulations governing the basic tier and (ii) providing a reasonable opportunity for consideration of the views of interested parties, within 120 days of the effective date of the certification; and (2) notifies the cable operator that the franchising authority has been certified and has adopted the required regulations.

OMB Control Number: 3060–0560.

OMB Approval Date: August 25, 2015.

OMB Expiration Date: August 31, 2018.

Title: Section 76.911, Petition for Reconsideration of Certification.

Form No.: N/A.

Respondents: State, local or tribal governments; Businesses or other for-profit entities.

Number of Respondents and Responses: 15 respondents; 25 responses.

Estimated Time per Response: 2–10 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in sections 4(i) and 623 of the Communications Act of 1934, as amended.

Total Annual Burden: 130 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On June 3, 2015, the Commission released a Report and Order, MB Docket No. 15–53; FCC 15–62. The Report and Order adopted a rebuttable presumption that cable operators are subject to competing provider effective competition. Reversing the previous rebuttable presumption of no effective competition and adopting the procedures discussed in the Report and Order will result in changes to the information collection burdens.

The information collection requirements consist of: Petitions for reconsideration of certification, oppositions and replies thereto, cable operator requests to competitors for information regarding the competitor's reach and number of subscribers if evidence establishing effective competition is not otherwise available, and the competitors supplying this information.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2015–22616 Filed 9–8–15; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 140918791–4999–02]

RIN 0648–XE169

Fisheries of the Exclusive Economic Zone Off Alaska; Dusky Rockfish in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for dusky rockfish in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2015 total allowable catch of dusky rockfish in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 3, 2015, through 2400 hours, A.l.t., December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2015 total allowable catch (TAC) of dusky rockfish in the Western Regulatory Area of the GOA is 296 metric tons (mt) as established by the final 2015 and 2016 harvest specifications for groundfish of the Gulf of Alaska (80 FR 10250, February 25, 2015).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2015 TAC of dusky rockfish in the Western Regulatory Area

of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 50 mt, and is setting aside the remaining 246 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for dusky rockfish in the Western Regulatory Area of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for dusky rockfish in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 2, 2015.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 3, 2015.

Jennifer M. Wallace,

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

[FR Doc. 2015–22641 Filed 9–3–15; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 140918791–4999–02]

RIN 0648–XE168

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2015 total allowable catch of Pacific ocean perch in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 3, 2015, through 2400 hours, A.l.t., December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2015 total allowable catch (TAC) of Pacific ocean perch in the Western Regulatory Area of the GOA is 2,302 metric tons (mt) as established by the final 2015 and 2016 harvest specifications for groundfish of the Gulf of Alaska (80 FR 10250, February 25, 2015).

In accordance with § 679.20(d)(1)(i) and (ii)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2015 TAC of Pacific ocean perch in the Western Regulatory Area of the GOA will be taken as incidental catch in directed fisheries for other species. Therefore, the Regional Administrator is establishing a directed fishing allowance of 102 mt, and is setting aside 2,200 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Regulatory Area of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific ocean perch in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 2, 2015.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 3, 2015.

Jennifer M. Wallace,

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

[FR Doc. 2015–22639 Filed 9–3–15; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 140918791–4999–02]

RIN 0648–XE170

Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for northern rockfish in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2015 total allowable catch of northern rockfish in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), September 3, 2015, through 2400 hours, A.l.t., December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2015 total allowable catch (TAC) of northern rockfish in the Western Regulatory Area of the GOA is 1,226 metric tons (mt) as established by the final 2015 and 2016 harvest specifications for groundfish of the Gulf of Alaska (80 FR 10250, February 25, 2015).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2015 TAC of northern rockfish in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 50 mt, and is setting aside 1,176 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for northern rockfish in the Western Regulatory Area of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for northern rockfish in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 2, 2015.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 3, 2015.

Jennifer M. Wallace,

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

[FR Doc. 2015–22653 Filed 9–3–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 174
Wednesday, September 9, 2015

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 15

[Docket No. FDA–2015–N–0540]

Homeopathic Product Regulation: Evaluating the Food and Drug Administration's Regulatory Framework After a Quarter-Century; Reopening of the Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public hearing; reopening of the comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period for the notice of public hearing that appeared in the **Federal Register** of March 27, 2015. In the notice of public hearing, FDA requested comments on a number of specific questions identified in the document. The Agency is taking this action in response to requests to allow interested persons additional time to submit comments.

DATES: FDA is reopening the comment period on the notice of public hearing published March 27, 2015 (80 FR 16327), and extended on June 10, 2015 (80 FR 32868). Submit either electronic or written comments by November 9, 2015.

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

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Written Submissions

Submit written submissions in the following ways:

- *Mail/Hand delivery/Courier (for paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Docket No. FDA–2015–N–0540 for this notice of public hearing. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Request for Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Elaine Lippmann, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6214, Silver Spring, MD 20993–0002, 301–796–2895.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of March 27, 2015, FDA published a notice of public hearing with a 60-day comment period following the public hearing and requested comments on a number of specific questions identified throughout the document. Comments on the notice of public hearing will inform FDA's decision about whether and how to adjust the current enforcement policies for drug products labeled as homeopathic to reflect changes in the homeopathic product marketplace over the last approximately 25 years. In the **Federal Register** of June 10, 2015, in response to requests for an extension to allow interested persons additional time to submit comments, FDA extended the original comment period for 60 days, until August 21, 2015.

FDA is reopening the comment period for an additional 60 days, until November 9, 2015. The Agency believes that reopening the comment period for an additional 60 days for the notice of public hearing will allow adequate time for interested persons to submit comments without significantly delaying Agency decisionmaking on these important issues.

II. Request for Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). You should annotate and organize your comments to identify the specific questions or topic to which they refer. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: September 3, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–22682 Filed 9–8–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF STATE

22 CFR Part 171

[Public Notice: 9263]

RIN 1400–AD78

Privacy Act; STATE–75, Family Advocacy Case Records

AGENCY: Department of State.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of State is giving notice that certain portions of the Family Advocacy Case Records, STATE –75, system of records are proposed to be exempt from one or more provisions of the Privacy Act of 1974.

DATES: Comments on this rule are due by October 19, 2015.

FOR FURTHER INFORMATION CONTACT: John Hackett, Director; Office of Information Programs and Services, A/GIS/IPS; Department of State, SA–2; 515 22nd Street NW., Washington, DC 20522–8001, or at *Privacy@state.gov.*

SUPPLEMENTARY INFORMATION: The Department of State maintains the Family Advocacy Case Records system of records. The primary purpose of this system of records is to be utilized at post by members of the Family Advocacy Team and in the Department

of State by the Family Advocacy Committee. The information may be shared within the Department of State on a need to know basis and in medical clearance determinations for overseas assignment of covered employees and family members, as well as for making determinations involving curtailment, medical evacuation, suitability, and security clearance. *See* Public Notice 6472 (January 5, 2009) at 74 FR 330.

The Department of State is issuing this document as a notice to amend 22 CFR part 171 to exempt portions of the Family Advocacy Case Records system of records from the Privacy Act subsections (c)(3);(d); (e)(1); (e)(4)(G), (H), and (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(1) and (k)(2). STATE–75 is exempted under (k)(1) to the extent that records within that system are subject to the provisions of 5 U.S.C. 552(b)(1) STATE–75 is exempted under (k)(2) to the extent that records within that system are comprised of investigatory material compiled for law enforcement purposes, subject to the limitations set forth in that section.

List of Subjects in 22 CFR Part 171

Privacy.

For the reasons stated in the preamble, 22 CFR part 171 is proposed to be amended as follows:

PART 171—[AMENDED]

■ The authority citation for part 171 continues to read as follows:

Authority: 5 U.S.C. 552, 552a; 22 U.S.C. 2651a; Pub. L. 95–521, 92 Stat. 1824, as amended; E.O. 13526, 75 FR 707; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

§ 171.36 [Amended]

■ 2. Section 171.36 is amended by adding an entry, in alphabetical order, for ''Family Advocacy Case Records, STATE–75'' to the lists in paragraphs (b)(1) and (2).

Joyce A. Barr,

Assistant Secretary for Administration, U.S. Department of State.

[FR Doc. 2015–22711 Filed 9–8–15; 8:45 am]

BILLING CODE 4710–36–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2015–0032; FRL–9933–26]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces EPA's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before October 9, 2015.

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the Pesticide Petition Number (PP) of interest as shown in the body of this document, 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: Robert McNally, Director, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov;* or Susan Lewis, Director, Registration Division (RD) (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT** for the division listed at the end of the pesticide petition summary of interest.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

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, EPA 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. What action is EPA taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of pesticide chemicals in or on various food commodities. EPA is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

New Tolerances

1. *PP* 5E8377. (EPA–HQ–OPP–2015–0558). Interregional Research Project Number 4 (IR–4), Rutgers University, 500 College Rd. East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR 180.523 for residues of the molluscicide metaldehyde, 2,4,6,8-tetramethyl-1,3,5,7-tetroxocane, in or on the following raw agricultural commodities: Wheat forage at 0.05 parts per million (ppm); wheat, grain at 0.05 ppm; wheat, hay at 0.05 ppm; wheat, straw at 0.05 ppm; beet, garden, roots at 0.05 ppm; beet, garden, tops at 0.08 ppm; rutabaga, roots at 0.05 ppm; turnip, roots at 0.05 ppm; turnip greens (tops) at 0.08 ppm; and hop, dried cones at 0.05 ppm. A gas chromatography-mass spectrometry (GC/MS) analytical method for enforcement has been developed for analyzing residues of metaldehyde in food crops, including all of the crops identified above. The limit of quantitation (LOQ) for the method is 0.05 ppm. Contact: RD.

2. *PP* 5F8368. (EPA–HQ–OPP–2015–0554). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish tolerances in 40 CFR 180.242 for residues of the fungicide thiabendazole in or on legume vegetables (succulent or dried), crop group 6 at 0.01 ppm; foliage of legume vegetables, crop group 7, except pea, field, hay and vines at 0.01 ppm; pea, field, hay at 0.15 ppm; and pea, field, vines at 0.03 ppm. There are acceptable analytical methods for tolerance enforcement that include four spectrophotofluorometric methods for the determination of thiabendazole per se in or on plant commodities and one spectrophotofluorometric method (Method D) for determining residues of thiabendazole and 5-hydroxythiabendazole in milk. Contact: RD.

Amended Tolerances

1. *PP* 5F8364. (EPA–HQ–OPP–2015–0382). Arysta LifeScience North America Corp., 15401 Weston Pkwy., Suite 150, Cary, NC 27513, requests to amend the tolerance in 40 CFR 180.599 for residues of the insecticide acequinocyl in or on hop, dried cones from 4.0 ppm to 15.0 ppm. The analytical method to quantitate residues of acequinocyl and acequinocyl-OH in/on fruit crops utilizes high pressure liquid chromatography (HPLC) using mass spectrometric (MS/MS) detection. Contact: RD.

2. *PP* 5F8368. (EPA–HQ–OPP–2015–0554). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to amend the tolerances in 40 CFR 180.242 for residues of the fungicide thiabendazole by removing the tolerances in or on bean, dry, seed at 0.1 ppm; and soybean at 0.1 ppm. There are acceptable analytical methods for tolerance enforcement that include four spectrophotofluorometric methods for the determination of thiabendazole per se in or on plant commodities and one spectrophotofluorometric method (Method D) for determining residues of thiabendazole and 5-hydroxythiabendazole in milk. Contact: RD.

New Tolerance Exemptions

1. *PP* 5F8361. (EPA–HQ–OPP–2015–0488). MacIntosh and Associates, Inc., 1203 Hartford Ave., St. Paul, MN 55116–1622 (on behalf of AgBiTech Pty Ltd, 8 Rocla Ct., Glenvale, Queensland 4350, Australia), requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the microbial insecticide *Spodoptera frugiperda* Multiple Nucleopolyhedrovirus—3AP2 in or on food crops. The petitioner believes no analytical method is needed because the petitioner is requesting an exemption from tolerance. Contact: BPPD.

2. *PP* IN–10782. (EPA–HQ–OPP–2015–0524). Spring Trading Co., 10805 W. Timberwagon Cir., Spring, TX 77380 (on behalf of BASF Corp., 100 Campus Dr., Florham Park, NJ 07932), requests to establish an exemption from the requirement of a tolerance for residues of propanamide, 2-hydroxy-N, N-dimethyl- (CAS Reg. No. 35123–06–9) when used as an inert ingredient (solvent, cosolvent) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest under 40 CFR 180.910 and applied to animals under 40 CFR 180.930. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

Amended Tolerance Exemption

1. *PP* 5G8375. (EPA–HQ–OPP–2014–0457). J.R. Simplot Co., 5369 W. Irving St., Boise, ID 83706, requests to amend an exemption from the requirement of a tolerance in 40 CFR 174.534 for residues of the plant-incorporated protectant (PIP) Potato Late Blight Resistance Gene (also known as *Rpi–vnt1*) in or on potato. The petitioner believes no analytical method is needed because the petitioner is seeking a temporary exemption from the requirement of a tolerance. Contact: BPPD.

Authority: 21 U.S.C. 346a.

Dated: August 27, 2015.

John E. Leahy, Jr.,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2015–22714 Filed 9–8–15; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 80, No. 174
Wednesday, September 9, 2015

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

DEPARTMENT OF AGRICULTURE

Minority Farmers and Ranchers Advisory Committee

AGENCY: Office of Advocacy and Outreach, USDA.

ACTION: Notice of Public Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the Office of Advocacy and Outreach (OAO) is announcing a meeting of the Minority Farmers and Ranchers Advisory Committee's (MFAC). The committee is being convened to consider issues involving minorities. The members will deliberate on recommendations to be prepared for the U.S. Department of Agriculture Secretarial consideration.

DATES: The committee meeting is scheduled for Tuesday, September 22 through Thursday, September 24, 2015, from 9:00 a.m.–5:00 p.m. EST. The meeting will be open to the public. All persons wishing to make comments during this meeting must check in between 8:00 a.m. and 9:00 a.m. and 3:00 p.m. and 4:00 p.m. EST, each day, at the registration table. All public commenters will be allowed a maximum of 5 minutes. If the number of registrants requesting to speak is greater than what can be reasonably accommodated during the scheduled open public meeting timeframe, speakers will be scheduled on a first-come basis. Public written comments for the committee's consideration may be submitted by close of business on September 17, 2015, to Mrs. Kenya Nicholas, Designated Federal Official, USDA OAO, 1400 Independence Avenue SW., Room 520–A, Washington, DC 20250–0170, Phone (202) 720–6350, Fax (202) 720–7704, Email: *acmf@osec.usda.gov.* A listen-only line will be available during the entire meeting for all who wish to listen in on the meeting or make public comments through the following telephone number: (888) 455–1685 and enter passcode 6105699. Members of the public may also submit written comments for consideration to the committee.

ADDRESSES: This public advisory committee meeting will be held at the Courtyard Savannah Downtown/Historic District, 415 West Liberty Street, Savannah, Georgia, 31401. There will be signs directing attendees to the USDA meeting rooms.

FOR FURTHER INFORMATION CONTACT: Questions should be directed to Phyllis Morgan, Executive Assistant, OAO, 1400 Independence Ave. SW., Whitten Bldg., 520–A, Washington, DC 20250, Phone: (202) 720–6350, Fax: (202) 720–7136, email: *Phyllis.Morgan@osec.usda.gov.*

SUPPLEMENTARY INFORMATION: The Secretary tasked the MFAC with providing recommendations on access to USDA programs and services by minority farmers and ranchers. Please visit our Web site at: *http://www.outreach.usda.gov/sdfr/FAC.htm* for additional information on the MFAC.

The public is asked to pre-register for the meeting by September 17, 2015. You may pre-register for the public meeting by submitting an email to *acmf@osec.usda.gov* with your name, organization or affiliation, or any comments for the committee's consideration. You may also fax this information to (202) 720–7704. Members of the public who wish to make comments during the committee meeting must register at the check-in table.

The agenda is as follows: Day 1: USDA presentations and public comments; Day 2: Committee discussions, public comments. Day 3: Committee deliberations and public comment. Please visit the Minority Farmers and Ranchers Advisory Committee Web site for the full agenda. All agenda topics and documents will be made available to the public at: *http://www.outreach.usda.gov/sdfr/FAC.htm.* Copies of the agenda will also be distributed at the meeting.

Meeting Accommodations: USDA is committed to ensuring that everyone is accommodated in our work environment, programs, and events. If you are a person with a disability and request reasonable accommodations to participate in this meeting, please note the request in your registration and you may contact Mrs. Kenya Nicholas in advance of the meeting by or before close of business on September 15, 2015, by phone at (202) 720–6350, fax (202) 720–7704, or email: *kenya.nicholas@osec.usda.gov.*

Issued in Washington, DC, this 1st day of September 2015.

Christian Obineme,

Associate Director, Office of Advocacy and Outreach.

[FR Doc. 2015–22623 Filed 9–8–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0001]

Notice of Decision To Authorize the Importation of Fresh Cranberries From Chile Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to authorize the importation of fresh cranberries from Chile into the continental United States. Based on the findings of a pest risk assessment, which we made available for the public to review and comment through a previous notice, we have concluded that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh cranberries from Chile.

DATES: Effective September 9, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Claudia Ferguson, Senior Regulatory Policy Coordinator, Regulatory Policy and Coordination, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2352.

SUPPLEMENTARY INFORMATION:

Under the regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–72, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being

introduced into or disseminated within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of certain fruits and vegetables that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section.

In accordance with that process, we published a notice[1] in the **Federal Register** on March 12, 2015 (80 FR 12976–12977, Docket No. APHIS–2015–0001), in which we announced the availability, for review and comment, of a pest risk assessment (PRA) that identifies pests of quarantine significance that could follow the pathway of importation of cranberries from Chile into the continental United States. Based on the PRA, a risk management document (RMD) was prepared to identify phytosanitary measures that could be applied to the cranberries to mitigate the pest risk.

We solicited comments on the PRA and RMD for 60 days, ending on May 11, 2015. We received six comments by that date, from an organization of State plant regulatory agencies, importers, the Chilean Government, and private citizens. All comments we received supported the importation of cranberries from Chile into the continental United States.

Therefore, in accordance with § 319.56–4(c)(2)(ii), we are announcing our decision to authorize the importation of cranberries from Chile into the continental United States subject to the following phytosanitary measures:

- The cranberries must be imported as commercial consignments only;
- Each consignment of cranberries must be accompanied by a phytosanitary certificate issued by the national plant protection organization of Chile; and
- Each consignment of cranberries is subject to inspection upon arrival at the port of entry to the United States.

These conditions will be listed in the Fruits and Vegetables Import Requirements database (available at *http://www.aphis.usda.gov/favir*). In addition to these specific measures, cranberries from Chile will be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

[1] To view the notice, PRA, RMD, and comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0001.*

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 2nd day of September 2015.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–22719 Filed 9–8–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Resource Coordinating Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Forest Resource Coordinating Committee (Committee) will meet via teleconference. The Committee is established consistent with the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C. App. II), and the Food, Conservation, and Energy Act of 2008 (the Act) (Pub. L. 110–246). Additional information concerning the Committee, including the meeting agenda, supporting documents and minutes, can be found by visiting the Committee's Web site at *http://www.fs.fed.us/spf/coop/frcc/.*

DATES: The teleconference will be held on October 14, 2015 from 12:00 p.m. to 1:30 p.m., Eastern Daylight Time (EDT). The meeting is subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held via teleconference. For anyone who would like to attend the teleconference, please visit the Web site listed in the **SUMMARY** section or contact Andrea Bedell-Loucks at *abloucks@fs.fed.us* for further details. 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 placed on the Committee's Web site listed above.

FOR FURTHER INFORMATION CONTACT: Andrea Bedell-Loucks, Designated Federal Officer, Cooperative Forestry staff, 202–205–1190. 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 to:

1. Review and discuss outreach efforts to USDA leadership, partners, and other federal agencies, and
2. Develop draft agenda for December meeting.

The teleconference is open to the public. However, the public is strongly encouraged to RSVP prior to the teleconference to ensure all related documents are shared with public meeting participants. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing 10 days before the planned meeting 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 time requests for oral comments must be sent to Laurie Schoonhoven, 1400 Independence Avenue SW., Mailstop 1123, Washington, DC 20250 or by email to *lschoonhoven@fs.fed.us.* A summary of the meeting will be posted on the Web site listed above within 21 days after the meeting.

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

Dated: September 1, 2015.

Victoria Christiansen,

Associate Deputy Chief, State and Private Forestry.

[FR Doc. 2015–22611 Filed 9–8–15; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wisconsin Advisory Committee To Introduce Recently Appointed Committee Members and Discuss Civil Rights Concerns in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that

the Illinois Advisory Committee (Committee) will hold a meeting on Tuesday, October 06, 2015, at 12:00 p.m. CDT for the purpose of introducing Committee members appointed August 14, 2015, and beginning a discussion regarding civil rights concerns in the State for the Committee's consideration.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–395–3227, conference ID: 2301980. Any interested member of the public may call this number and listen to the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also invited and welcomed to make statements during the scheduled open comment period. In addition, members of the public may submit written comments; the comments must be received in the regional office by November 05, 2015. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://database.faca.gov/committee/meetings.aspx?cid=282* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Introductions
Chair Appointment Discussion
Committee Roles and Responsibilities
  Ethics
  Jurisdiction and Scope of Duties
  Project Process and Examples
Project Discussion
  Current Civil Rights Issues in Wisconsin
  Future Plans and Actions
  Open Comment
  Adjournment

DATES: The meeting will be held on Tuesday, October 06, 2015, at 12:00 p.m. CDT.

Public Call Information

Dial: 888–395–3227
Conference ID: 2301980

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at 312–353–8311 or *mwojnaroski@usccr.gov.*

Dated: September 3, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–22651 Filed 9–8–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–602–809, A–351–845, A–588–874, A–580–883, A–421–813, A–489–826, A–412–825]

Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Initiation of Less-Than-Fair-Value Investigations

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

DATES: *Effective:* September 9, 2015.

FOR FURTHER INFORMATION CONTACT: Alexis Polovina at (202) 482–3927 (Australia); Yang Jin Chun at (202) 482–5760 (Brazil); Jack Zhao at (202) 482–1396 (Japan); Matthew Renkey or Javier Barrientos at (202) 482–2312 and (202) 482–2243, respectively (the Republic of Korea (Korea)); Dmitry Vladimirov at (202) 482–0665, (the Netherlands); Jack Zhao at (202) 482–1396 (the Republic of Turkey (Turkey)); and Yang Jin Chun at (202) 482–5760 (the United Kingdom), AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On August 11, 2015, the Department of Commerce (the Department) received antidumping duty (AD) Petitions concerning imports of certain hot-rolled steel flat products (hot-rolled steel) from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom, filed in proper form on behalf of AK Steel Corporation, ArcelorMittal USA LLC, Nucor Corporation, SSAB Enterprises, LLC, Steel Dynamics, Inc., and United States Steel Corporation (Petitioners).[1] The AD Petitions were accompanied by three countervailing duty (CVD) Petitions.[2] Petitioners are domestic producers of hot-rolled steel.[3]

On August 14, 2015, the Department requested additional information and clarification of certain areas of the Petitions.[4] Petitioners filed responses to these requests on August 18, 2015, August 20, 2015, and August 26, 2015.[5]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), Petitioners allege that imports of hot-rolled steel from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom, are being, or are likely to be, sold in the United States at less-than-fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioners supporting their allegations.

[1] *See* Petitions for the Imposition of Antidumping Duties on Imports of Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom, dated August 11, 2015 (the Petitions).

[2] *See* the Petitions for the Imposition of Countervailing Duties on Imports of Certain Hot-Rolled Steel Flat Products from Brazil, Korea, and Turkey, dated August 11, 2015.

[3] *See* Volume I of the Petitions, at 2, and Exhibit I–1.

[4] *See* Letter from the Department to Petitioners entitled ''Re: Petitions for the Imposition of Antidumping Duties and Countervailing Duties on Imports of Certain Hot-Rolled Steel Flat Products from Brazil, Korea, and Turkey and Antidumping Duties on Imports of Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom: Supplemental Questions'' dated August 14, 2015; (General Issues Supplemental Questionnaire), and Letters from the Department to Petitioners entitled ''Re: Petition for the Imposition of Antidumping Duties on Imports of Certain Hot-Rolled Steel Flat Products from {country}: Supplemental Questions'' on each of the country-specific records, dated August 14, 2015.

[5] *See* Responses to the Department's August 14, 2015 Questionnaires Regarding Volumes II, III, IV, V, VI, VII, and VIII, of the Petitions for the Antidumping and Countervailing Duties, each dated August 18, 2015; *see also* Response to the Department's August 14, 2015 Questionnaire Regarding Volume I of the Petitions for Antidumping and Countervailing Duties, dated August 20, 2015 (General Issues Supplement); *see also* Scope Supplement to the Petitions, dated August 26, 2015 (Scope Supplement).

The Department finds that Petitioners filed these Petitions on behalf of the domestic industry because Petitioners are interested parties as defined in section 771(9)(C) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of the AD investigations that Petitioners are requesting.[6]

Period of Investigations

Because the Petitions were filed on August 11, 2015, the period of investigations (POI) is, pursuant to 19 CFR 351.204(b)(1), July 1, 2014, through June 30, 2015.

Scope of the Investigations

The product covered by these investigations is hot-rolled steel from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations,'' in Appendix I of this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, Petitioners pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[7]

As discussed in the preamble to the Department's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The Department will consider all comments received from parties and, if necessary, will consult with parties prior to the issuance of the preliminary determination. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. In order to facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5 p.m. Eastern Daylight Time (EDT) on Monday, September 21, 2015, which is the first business day after 20 calendar days from the signature date of this notice.[8] Any rebuttal comments, which may include factual information, must be filed by 5 p.m. EDT on Tuesday, October 1, 2015, which is 10 calendar days after the initial comments.

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[9] An electronically filed document must be received successfully in its entirety by the time and date when it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department will give interested parties an opportunity to provide comments on the appropriate physical characteristics of hot-rolled steel to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors and costs of production accurately as well as to develop appropriate product-comparison criteria.

The Department will release a proposed list of physical characteristics and product-comparison criteria, and interested parties will have the opportunity to provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe hot-rolled steel, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

All comments and submissions to the Department must be filed electronically using ACCESS, as explained above, on the records of the Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom less-than-fair-value investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International

[6] *See* the ''Determination of Industry Support for the Petitions'' section below.

[7] *See* General Issues Supplemental Questionnaire; *see also* General Issues Supplement; *see also* Scope Supplement.

[8] *See* 19 CFR 351.303(b).

[9] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[10] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[11]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, Petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that hot-rolled steel constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[12]

In determining whether Petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. Petitioners provided their production volume of the domestic like product in 2014, as well as an estimate of total production of the domestic like product for the entire domestic industry.[13] To establish industry support, Petitioners compared their own production to total estimated production of the domestic like product for the entire domestic industry.[14]

Our review of the data provided in the Petitions, General Issues Supplement, and other information readily available to the Department indicates that Petitioners have established industry support.[15] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[16] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[17] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[18] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that Petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they have demonstrated sufficient industry support with respect to the AD investigations that they are requesting the Department to initiate.[19]

Allegations and Evidence of Material Injury and Causation

Petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, Petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[20] Petitioners contend that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; decline in production, shipments, and capacity utilization; and decline in financial performance.[21] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[22]

[10] *See* section 771(10) of the Act.

[11] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[12] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Certain Hot-Rolled Steel Flat Products from Australia (Australia AD Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom (Attachment II); Antidumping Duty Investigation Initiation Checklist: Certain Hot-Rolled Steel Flat Products from Brazil (Brazil AD Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Certain Hot-Rolled Steel Flat Products from Japan (Japan AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Certain Hot-Rolled Steel Flat Products from the Republic of Korea (Korea AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Certain Hot-Rolled Steel Flat Products from the Netherlands (Netherlands AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Certain Hot-Rolled Steel Flat Products from the Republic of Turkey (Turkey AD Initiation Checklist); and Antidumping Duty Investigation Initiation Checklist: Certain Hot-Rolled Steel Flat Products from the United Kingdom (United Kingdom AD Initiation Checklist). These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[13] *See* Volume I of the Petitions, at 2–4 and Exhibits I–3 and I–4; *see also* General Issues Supplement, at 8–9.

[14] *Id.* For further discussion, *see* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, Japan AD Initiation Checklist, Korea AD Initiation Checklist, Netherlands AD Initiation Checklist, Turkey AD Initiation Checklist, and United Kingdom AD Initiation Checklist, at Attachment II.

[15] *See* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, Japan AD Initiation Checklist, Korea AD Initiation Checklist, Netherlands AD Initiation Checklist, Turkey AD Initiation Checklist, and United Kingdom AD Initiation Checklist, at Attachment II.

[16] *See* section 732(c)(4)(D) of the Act; *see also* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, Japan AD Initiation Checklist, Korea AD Initiation Checklist, Netherlands AD Initiation Checklist, Turkey AD Initiation Checklist, and United Kingdom AD Initiation Checklist, at Attachment II.

[17] *See* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, Japan AD Initiation Checklist, Korea AD Initiation Checklist, Netherlands AD Initiation Checklist, Turkey AD Initiation Checklist, and United Kingdom AD Initiation Checklist, at Attachment II.

[18] *Id.*

[19] *Id.*

[20] *See* Volume I of the Petitions, at 21–22 and Exhibit I–11.

[21] *See* Volume I of the Petitions, at 15–19, 21–42 and Exhibits I–4, I–6, I–9 and I–11 through I–17; *see also* General Issues Supplement, at 9–10.

[22] *See* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, Japan AD Initiation Checklist, Korea AD Initiation Checklist, Netherlands AD Initiation Checklist, Turkey AD Initiation Checklist, and United Kingdom AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom.

Allegations of Sales at Less-Than-Fair Value

The following is a description of the allegations of sales at less-than-fair value upon which the Department based its decision to initiate investigations of imports of hot-rolled steel from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the country-specific initiation checklists.

Export Price

For the Netherlands, Turkey, and the United Kingdom, Petitioners based export price (EP) U.S. prices on price quotes/offers for sales of hot-rolled steel produced in, and exported from, the subject country.[23] For the Netherlands and the United Kingdom, Petitioners also based EP U.S. prices on average unit values (AUVs) of U.S. imports from those countries.[24] For Australia, Brazil, and Japan, Petitioners used AUV data as the basis for U.S. price.[25] Where applicable, Petitioners made deductions from U.S. price for movement expenses consistent with the delivery terms.[26] Where applicable, Petitioners also deducted from U.S. price trading company/distributor/reseller mark-ups estimated using Petitioners' knowledge of the U.S. industry.[27]

Constructed Export Price

For Korea, because Petitioners had reason to believe the sale was made through a U.S. affiliate, Petitioners based constructed export price (CEP) on a price quote/offer for sale of hot-rolled steel produced in, and exported from, Korea.[28] Petitioners made deductions from U.S. price for movement expenses consistent with the delivery terms, imputed credit expenses, and deducted from U.S. price trading company/distributor/reseller mark-ups estimated using publicly reported expenses in the most recently available annual report of a distributor of steel.[29]

Normal Value

For Australia, Brazil, Japan, Korea, and Turkey, Petitioners provided home market price information obtained through market research for hot-rolled steel produced in and offered for sale in each of these countries.[30] For all five of these countries, Petitioners provided an affidavit or declaration from a market researcher for the price information.[31] For Brazil, Petitioners made deductions from the home market price for movement expenses and taxes consistent with the delivery terms.[32] For Korea, home market imputed credit expenses were deducted from the price.[33] Petitioners made no other adjustments to the offer prices to calculate NV, as no others were warrented by the terms associated with the offers.[34]

For Korea, and Turkey, Petitioners provided information that sales of hot-rolled steel in the respective home markets were made at prices below the cost of production (COP), and for the United Kingdom, and the Netherlands, Petitioners did not provide home market price information because, as noted below, they were unable to obtain home market prices. For all four of these countries, Petitioners calculated NV based on constructed value (CV).[35] For further discussion of COP and NV based on CV, see below.[36]

Normal Value Based on Constructed Value

Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacturing (COM); selling, general and administrative (SG&A) expenses; financial expenses; and packing expenses. Petitioners calculated COM based on Petitioners' experience adjusted for known differences between producing in the United States and producing in the respective country (*i.e.,* Korea, the Netherlands, Turkey, and the United Kingdom), during the proposed POI.[37] Using publicly-available data to account for price differences, Petitioners multiplied the surrogate usage quantities by the submitted value of the inputs used to manufacture hot-rolled steel in each country.[38] For Korea, the Netherlands, Turkey, and the United Kingdom, labor rates were derived from publicly available sources multiplied by the product-specific usage rates.[39] For Korea, the Netherlands, Turkey, and the United Kingdom, to determine factory overhead, SG&A, and financial expense rates, Petitioners relied on financial statements of producers of comparable merchandise operating in the respective foreign country.[40]

For Turkey and Korea, because certain home market prices fell below COP, pursuant to sections 773(a)(4), 773(b), and 773(e) of the Act, as noted above, Petitioners calculated NV also based on CV for those countries.[41] For the Netherlands and the United Kingdom, Petitioners indicated they were unable to obtain home market prices; accordingly, Petitioners based NV only on CV for those countries.[42] Pursuant to section 773(e) of the Act, CV consists of the COM, SG&A, financial expenses, packing expenses, and profit. Petitioners calculated CV using the same average COM, SG&A, and financial expenses, used to calculate COP.[43] Petitioners relied on the financial statements of the same producers that they used for calculating manufacturing overhead, SG&A, and financial expenses to calculate the profit rate. For Turkey, we made an adjustment to the Petitioners' calculated profit rate.[44]

Fair Value Comparisons

Based on the data provided by Petitioners, there is reason to believe

[23] *See* the Netherlands AD Initiation Checklist; Turkey AD Initiation Checklist, and the United Kingdom AD Initiation Checklist.

[24] *See* the Netherlands AD Initiation Checklist and the United Kingdom AD Initiation Checklist.

[25] *See* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, and Japan AD Initiation Checklist.

[26] *See* Australia AD Initiation Checklist, Japan AD Initiation Checklist, Korea AD Initiation Checklist, the Netherlands AD Initiation Checklist, Turkey AD Initiation Checklist, and the United Kingdom AD Initiation Checklist.

[27] *See* Turkey AD Initiation Checklist.

[28] *See* Korea AD Initiation Checklist.

[29] *Id.*

[30] *See* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, Japan AD Initiation Checklist, Korea AD Initiation Checklist, and Turkey AD Initiation Checklist.

[31] *Id.; see also* Memorandum to the File, ''Telephone Call to Foreign Market Researcher Regarding Antidumping Petition,'' on each of the country-specific records, dated August 20, 2015 (Australia), August 20, 2015 (Brazil), August 25, 2015 (Japan), and August 25, 2015 (Korea).

[32] *See* Brazil AD Initiation Checklist.

[33] *See* Korea AD Initiation Checklist.

[34] *See* Australia AD Initiation Checklist, Brazil AD Initiation Checklist, Japan AD Initiation Checklist, Korea AD Initiation Checklist, and Turkey AD Initiation Checklist.

[35] *See* Korea AD Initiation Checklist, Netherlands AD Initiation Checklist, Turkey AD Initiation Checklist, and United Kingdom AD Initiation Checklist.

[36] In accordance with section 505(a) of the Trade Preferences Extension Act of 2015, amending section 773(b)(2) of the Act, for all of the investigations, the Department will request information necessary to calculate the CV and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product. The Department will no longer require a COP allegation to conduct this analysis.

[37] *See* Korea AD Initiation Checklist, Netherlands AD Initiation Checklist, Turkey AD Initiation Checklist, and United Kingdom AD Initiation Checklist.

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] *See* Turkey AD Initiation Checklist, and Korea Initiation Checklist.

[42] *See* Netherlands AD Initiation Checklist, and United Kingdom AD Initiation Checklist.

[43] *See* Korea AD Initiation Checklist, Netherlands AD Initiation Checklist, Turkey AD Initiation Checklist, and United Kingdom AD Initiation Checklist.

[44] *See* Turkey AD Initiation Checklist.

that imports of hot-rolled steel from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom, are being, or are likely to be, sold in the United States at less-than-fair value. Based on comparisons of EP or CEP to NV in accordance with section 773(a) of the Act, the estimated dumping margin(s) for hot-rolled steel are as follows: (1) Australia is 99.20 percent; [45] (2) Brazil is 34.28 percent; [46] (3) Japan range from 16.15 to 34.53 percent; [47] (4) Korea range from 86.96 to 158.93 percent; [48] (5) the Netherlands range from 55.21 to 173.17 percent; [49] (6) Turkey range from 96.77 to 197.41 percent; [50] and (7) the United Kingdom range from 50.63 to 161.75 percent.[51]

Initiation of Less-than-Fair-Value Investigations

Based upon the examination of the AD Petitions on hot-rolled steel from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom, we find that Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of hot-rolled steel from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom, are being, or are likely to be, sold in the United States at less-than-fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

On June 29, 2015, the President of the United States signed into law the Trade Preferences Extension Act of 2015, which made numerous amendments to the AD and CVD law.[52] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[53] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these AD investigations.[54]

Respondent Selection

Petitioners named six companies in Brazil, five companies in Japan, four companies in Korea, four companies in the Netherlands, six companies in Turkey, and five companies in the United Kingdom, as producers/exporters of hot-rolled steel.[55] Following standard practice in AD investigations involving market economy countries, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate HTSUS numbers listed in the ''Scope of Investigations'' section above. We intend to release the CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five business days of publication of this **Federal Register** notice.

Although the Department normally relies on the number of producers/exporters identified in the petition and/or import data from CBP to determine whether to select a limited number of producers/exporters for individual examination in AD investigations, Petitioners identified only one company as a producer/exporter of hot-rolled steel in Australia: BlueScope Steel.[56] Petitioners provided independent, third-party sources as support for their claim regarding BlueScope Steel. Additionally, we currently know of no additional producers/exporters of subject merchandise from Australia. Accordingly, the Department intends to examine all known producers/exporters in the investigation for Australia (*i.e.,* the company named in the petition).

Interested parties wishing to comment regarding respondent selection must do so within seven business days of the publication of this notice. Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. ET by the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of hot-rolled steel from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and/or the United Kingdom are materially injuring or threatening material injury to a U.S. industry.[57] A negative ITC determination for any country will result in the investigation being terminated with respect to that country; [58] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The regulation requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Please review the regulations prior to

[45] *See* Australia AD Initiation Checklist.

[46] *See* Brazil AD Initiation Checklist.

[47] *See* Japan AD Initiation Checklist.

[48] *See* Korea AD Initiation Checklist.

[49] *See* Netherlands AD Initiation Checklist.

[50] *See* Turkey AD Initiation Checklist.

[51] *See* United Kingdom AD Initiation Checklist.

[52] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015).

[53] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*).

[54] *Id.* at 46794–95. The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[55] *See* Volume I of the Petitions, at 15 and Exhibit I–8.

[56] *See* Volume I of the Petitions, at Exhibit I–8; *see also* Volume II of the Petitions, at 3 and Exhibit II–4.

[57] *See* section 733(a) of the Act.

[58] *Id.*

submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under Part 351, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under Part 351 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10 a.m. on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm*, prior to submitting factual information in this segment.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[59] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of Petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[60] The Department intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed in 19 CFR 351.103(d)).

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: August 31, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigations

The products covered by these investigations are certain hot-rolled, flat-rolled steel products, with or without patterns in relief, and whether or not annealed, painted, varnished, or coated with plastics or other non-metallic substances. The products covered do not include those that are clad, plated, or coated with metal. The products covered include coils that have a width or other lateral measurement (''width'') of 12.7 mm or greater, regardless of thickness, and regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, etc.). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieve subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges). For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above unless the resulting measurement makes the product covered by the existing antidumping[61] or countervailing duty[62] orders on Certain Cut-To-Length Carbon-Quality Steel Plate Products From the Republic of Korea (A–580–836; C–580–837), and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, etc.), the measurement at its greatest width or thickness applies.

Steel products included in the scope of these investigations are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 2.50 percent of manganese, or
- 3.30 percent of silicon, or
- 1.50 percent of copper, or
- 1.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 2.00 percent of nickel, or
- 0.30 percent of tungsten, or
- 0.80 percent of molybdenum, or
- 0.10 percent of niobium, or
- 0.30 percent of vanadium, or
- 0.30 percent of zirconium.

Unless specifically excluded, products are included in this scope regardless of levels of boron and titanium.

For example, specifically included in this scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, the substrate for motor lamination steels, Advanced High Strength Steels (AHSS), and Ultra High Strength Steels (UHSS). IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium and/or niobium added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum. AHSS and UHSS are considered high tensile strength and high elongation steels, although AHSS and UHSS are covered whether or not they are high tensile strength or high elongation steels.

Subject merchandise includes hot-rolled steel that has been further processed in a third country, including but not limited to pickling, oiling, levelling, annealing, tempering, temper rolling, skin passing, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the hot-rolled steel.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of these investigations unless

[59] *See* section 782(b) of the Act.

[60] *See Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[61] *Notice of Amendment of Final Determinations of Sales at Less Than Fair Value and Antidumping Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate Products From France, India, Indonesia, Italy, Japan and the Republic of Korea,* 65 FR 6585 (February 10, 2000).

[62] *Notice of Amended Final Determinations: Certain Cut-to-Length Carbon-Quality Steel Plate From India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate From France, India, Indonesia, Italy, and the Republic of Korea,* 65 FR 6587 (February 10, 2000).

specifically excluded. The following products are outside of and/or specifically excluded from the scope of these investigations:

- Universal mill plates (*i.e.,* hot-rolled, flat-rolled products not in coils that have been rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, of a thickness not less than 4.0 mm, and without patterns in relief);
- Products that have been cold-rolled (cold-reduced) after hot-rolling; [63]
- Ball bearing steels; [64]
- Tool steels; [65] and
- Silico-manganese steels; [66]

The products subject to these investigations are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7208.10.1500, 7208.10.3000, 7208.10.6000, 7208.25.3000, 7208.25.6000, 7208.26.0030, 7208.26.0060, 7208.27.0030, 7208.27.0060, 7208.36.0030, 7208.36.0060, 7208.37.0030, 7208.37.0060, 7208.38.0015, 7208.38.0030, 7208.38.0090, 7208.39.0015, 7208.39.0030, 7208.39.0090, 7208.40.6030, 7208.40.6060, 7208.53.0000, 7208.54.0000, 7208.90.0000, 7210.70.3000, 7211.14.0030, 7211.14.0090, 7211.19.1500, 7211.19.2000, 7211.19.3000, 7211.19.4500, 7211.19.6000, 7211.19.7530, 7211.19.7560, 7211.19.7590, 7225.11.0000, 7225.19.0000, 7225.30.3050, 7225.30.7000, 7225.40.7000, 7225.99.0090, 7226.11.1000, 7226.11.9030, 7226.11.9060, 7226.19.1000, 7226.19.9000, 7226.91.5000, 7226.91.7000, and 7226.91.8000. The products subject to the investigations may also enter under the following HTSUS numbers: 7210.90.9000, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.91.0015, 7214.91.0060, 7214.91.0090, 7214.99.0060, 7214.99.0075, 7214.99.0090, 7215.90.5000, 7226.99.0180, and 7228.60.6000.

The HTSUS subheadings above are provided for convenience and U.S. Customs purposes only. The written description of the scope of the investigations is dispositive.

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[63] For purposes of this scope exclusion, rolling operations such as a skin pass, levelling, temper rolling or other minor rolling operations after the hot-rolling process for purposes of surface finish, flatness, shape control, or gauge control do not constitute cold-rolling sufficient to meet this exclusion.

[64] Ball bearing steels are defined as steels which contain, in addition to iron, each of the following elements by weight in the amount specified: (i) Not less than 0.95 nor more than 1.13 percent of carbon; (ii) not less than 0.22 nor more than 0.48 percent of manganese; (iii) none, or not more than 0.03 percent of sulfur; (iv) none, or not more than 0.03 percent of phosphorus; (v) not less than 0.18 nor more than 0.37 percent of silicon; (vi) not less than 1.25 nor more than 1.65 percent of chromium; (vii) none, or not more than 0.28 percent of nickel; (viii) none, or not more than 0.38 percent of copper; and (ix) none, or not more than 0.09 percent of molybdenum.

[65] Tool steels are defined as steels which contain the following combinations of elements in the quantity by weight respectively indicated: (i) More than 1.2 percent carbon and more than 10.5 percent chromium; or (ii) not less than 0.3 percent carbon and 1.25 percent or more but less than 10.5 percent chromium; or (iii) not less than 0.85 percent carbon and 1 percent to 1.8 percent, inclusive, manganese; or (iv) 0.9 percent to 1.2 percent, inclusive, chromium and 0.9 percent to 1.4 percent, inclusive, molybdenum; or (v) not less than 0.5 percent carbon and not less than 3.5 percent molybdenum; or (vi) not less than 0.5 percent carbon and not less than 5.5 percent tungsten.

[66] Silico-manganese steel is defined as steels containing by weight: (i) Not more than 0.7 percent of carbon; (ii) 0.5 percent or more but not more than 1.9 percent of manganese, and (iii) 0.6 percent or more but not more than 2.3 percent of silicon.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–351–846, C–580–884, C–489–827]

Certain Hot-Rolled Steel Flat Products From Brazil, the Republic of Korea, and Turkey: Initiation of Countervailing Duty Investigations

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

DATES: Effective date: September 9, 2015.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin at (202) 482–6478 (Brazil); Katie Marksberry at (202) 482–7906 (Republic of Korea); Emily Halle at (202) 482–0176 (Turkey), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On August 11, 2015, the Department of Commerce (Department) received countervailing duty (CVD) petitions concerning imports of certain hot-rolled steel flat products (hot-rolled steel) from Brazil, the Republic of Korea (Korea), and Turkey, filed in proper form on behalf of AK Steel Corporation, ArcelorMittal USA LLC, Nucor Corporation, SSAB Enterprises, LLC, Steel Dynamics, Inc., and United States Steel Corporation, (collectively, Petitioners). The CVD petitions were accompanied by antidumping duty (AD) petitions also concerning imports of hot-rolled steel from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom.[1] Petitioners are domestic producers of hot-rolled steel.[2]

On August 14, 2015, the Department requested information and clarification for certain areas of the Petitions.[3] Petitioners filed responses to these requests on August 21 and 26, 2015.[4] On August 19, 2015, the Department sought additional information with regard to the Brazilian CVD Petition.[5] Petitioners filed additional Brazilian CVD responses on August 20 and 25, 2015.[6]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), Petitioners allege that the Governments of Brazil (GOB), Korea (GOK), and Turkey (GOT) are providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) to imports of hot-rolled steel from the Brazil, Korea, and Turkey, respectively, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 702(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioners supporting their allegations.

The Department finds that Petitioners filed the Petitions on behalf of the domestic industry because Petitioners are interested parties as defined in section 771(9)(C) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of

[1] *See* ''Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, Turkey, and the United Kingdom: Petitions for the Imposition of Antidumping and Countervailing Duties,'' dated August 11, 2015 (Petitions).

[2] *See* Volume I of the Petitions, at 2 and Exhibit I–1.

[3] *See* Letter from the Department to Petitioners entitled ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Hot-Rolled Steel Flat Products from Brazil, the Republic of Korea, and the Republic of Turkey and Antidumping Duties on Imports of Certain Hot-Rolled Steel Flat Products from Australia, Japan, Netherlands, and the United Kingdom: Supplemental Questions,'' dated August 14, 2015 (General Issues Questionnaire); Letters from the Department to Petitioners entitled ''Re: Petition for the Imposition of Antidumping Duties on Imports of Certain Hot-Rolled Steel Flat Products from {country}: Supplemental Questions'' on each of the country-specific records, dated August 14, 2015.

[4] *See* Letter from Petitioners entitled ''Certain Hot-Rolled Steel Flat Products From Australia, Brazil, Japan, the Republic of Korea, the Netherlands. Turkey, and the United Kingdom—Petitioners' Amendment to Petition,'' dated August 21, 2015 (General Issues Supplement); *see also* Scope Supplement to the Petitions, dated August 26, 2015 (Scope Supplement).

[5] *See* Letter from the Department to Petitioners entitled ''Petition for the Imposition of Countervailing Duties on Imports of Certain Hot-Rolled Steel Flat Products from Brazil: Supplemental Questions,'' dated August 19, 2015 (Brazil Second Questionnaire).

[6] *See* Letter from Petitioners entitled ''Certain Hot-Rolled Steel Flat Products From Australia, Brazil, Japan, the Republic of Korea, the Netherlands, Turkey, and the United Kingdom-Petitioners' Amendment to Petition,'' dated August 20, 2015 (Brazil Second Supplement); *see also* Letter from Petitioners entitled ''Certain Hot-Rolled Steel Flat products from Australia, Brazil Japan, the Republic of Korea, the Netherlands, Turkey, and the United Kingdom-Petitioners' Amendment to Petition,'' dated August 25, 2015 (Brazil Third Supplement).

the CVD investigations that Petitioners are requesting.[7]

Period of Investigations

The period of investigations is January 1, 2014, through December 31, 2014.[8]

Scope of the Investigations

The product covered by these investigations is hot-rolled steel from the Brazil, Korea, and Turkey. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations'' in Appendix I of this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department discussed with Petitioners the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[9]

As discussed in the preamble to the Department's regulations,[10] we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The Department will consider all comments received from parties and, if necessary, will consult with parties prior to the issuance of the preliminary determinations. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. In order to facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5 p.m. Eastern Time (ET) on Monday, September 21, 2015, which is the first business day after 20 calendar days from the signature date of this notice.[11] Any rebuttal comments, which may include factual information, must be filed by 5 p.m. ET on Tuesday, October 1, 2015, which is 10 calendar days after the initial comments deadline.

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). An electronically-filed document must be received successfully in its entirety by the time and date it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to section 702(b)(4)(A)(i) of the Act, the Department notified representatives of the GOB, GOK, and GOT of the receipt of the Petitions. Also, in accordance with section 702(b)(4)(A)(ii) of the Act, the Department provided representatives of the GOB, GOK, and GOT the opportunity for consultations with respect to the CVD Petitions. On August 25, 2015, consultations were held with the GOB, on August 27, 2015, consultations were held with the GOK, and on August 28, 2015, consultations were held with the GOT. All invitation letters and memoranda regarding these consultations are on file electronically *via* ACCESS.

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[12] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[13]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, Petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that hot-rolled steel constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[14]

[7] *See* the ''Determination of Industry Support for the Petitions'' section below.

[8] 19 CFR 351.204(b)(2).

[9] *See* Memorandum from Vicki Flynn to The File, dated August 7, 2015. *See also* Letter from Petitioners entitled ''Revised Scope, Amendment to Petitions,'' dated August 10, 2015.

[10] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[11] *See* 19 CFR 351.303(b).

[12] *See* section 771(10) of the Act.

[13] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[14] For a discussion of the domestic like product analysis in this case, *see* Countervailing Duty Investigation Initiation Checklist: Certain Hot-Rolled Steel Flat Products from Brazil (Brazil CVD Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of

In determining whether Petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. Petitioners provided their production volume of the domestic like product in 2014, as well as an estimate of total production of the domestic like product for the entire domestic industry.[15] To establish industry support, Petitioners compared their own production to total estimated production of the domestic like product for the entire domestic industry.[16]

Our review of the data provided in the Petitions, General Issues Supplement, and other information readily available to the Department indicates that Petitioners have established industry support.[17] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[18] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[19] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[20] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

The Department finds that Petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they have demonstrated sufficient industry support with respect to the CVD investigations that they are requesting the Department initiate.[21]

Injury Test

Because Brazil, Korea, and Turkey are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from Brazil, Korea, and/or Turkey materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

Petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. Petitioners allege that subject imports exceed the negligibility threshold of three percent provided for under section 771(24)(A) of the Act.[22] In CVD petitions, section 771(24)(B) of the Act provides that imports of subject merchandise from developing countries must exceed the negligibility threshold of four percent. Petitioners also demonstrate that subject imports from Brazil, which has been designated as a developing country under section 771(36)(A) of the Act, exceed the negligibility threshold provided for under section 771(24)(B) of the Act.[23]

Petitioners contend that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; decline in production, shipments, and capacity utilization; and decline in financial performance.[24] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[25]

Initiation of Countervailing Duty Investigations

Section 702(b)(1) of the Act requires the Department to initiate a CVD investigation whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to Petitioners supporting the allegations.

Petitioners allege that producers/exporters of hot-rolled steel in Brazil, Korea, and Turkey benefited from countervailable subsidies bestowed by the governments/authorities of these countries, respectively. The Department examined the Petitions and finds that they comply with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating CVD investigations to determine whether manufacturers, producers, or exporters of hot-rolled steel from Brazil, Korea, and Turkey receive countervailable subsidies from the governments/authorities of these countries, respectively.

On June 29, 2015, the President of the United States signed into law the Trade Preferences Extension Act of 2015, which made numerous amendments to the AD and CVD law.[26] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[27] The amendments to sections 776

Turkey, and the United Kingdom (Attachment II); Countervailing Duty Investigation Initiation Checklist: Certain Hot-Rolled Steel Flat Products from the Republic of Korea (Korea CVD Initiation Checklist), at Attachment II; and Countervailing Duty Investigation Initiation Checklist: Certain Hot-Rolled Steel Flat Products from the Republic of Turkey (Turkey CVD Initiation Checklist). These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[15] *See* Volume I of the Petitions, at 2–4 and Exhibits I–3 and I–4; *see also* General Issues Supplement, at 8–9.

[16] *Id.* For further discussion, *see* Brazil CVD Initiation Checklist, Korea CVD Initiation Checklist, and Turkey CVD Initiation Checklist, at Attachment II.

[17] *See* Brazil CVD Initiation Checklist, Korea CVD Initiation Checklist, and Turkey CVD Initiation Checklist, at Attachment II.

[18] *See* section 702(c)(4)(D) of the Act; *see also* Brazil CVD Initiation Checklist, Korea CVD Initiation Checklist, and Turkey CVD Initiation Checklist, at Attachment II.

[19] *See* Brazil CVD Initiation Checklist, Korea CVD Initiation Checklist, and Turkey CVD Initiation Checklist, at Attachment II.

[20] *Id.*

[21] *Id.*

[22] *See* Volume I of the Petitions, at 21–22 and Exhibit I–11.

[23] *Id.*

[24] *See* Volume I of the Petitions, at 15–19, 21–42 and Exhibits I–4, I–6, I–9 and I–11 through I–17; *see also* General Issues Supplement, at 9–10.

[25] *See* Brazil CVD Initiation Checklist, Korea CVD Initiation Checklist, and Turkey CVD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom.

[26] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015).

[27] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made*

Continued

and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these CVD investigations.[28]

Brazil

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 33 of the 35 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the Brazil CVD Initiation Checklist.

Korea

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 39 of the 41 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the Korea CVD Initiation Checklist.

Turkey

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on all 18 of the alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* the Turkey CVD Initiation Checklist.

A public version of the initiation checklist for each investigation is available on ACCESS.

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

Respondent Selection

Petitioners named six companies as producers/exporters of hot-rolled steel in Brazil, four in Korea, and six in Turkey.[29] Following standard practice in CVD investigations, the Department will, where appropriate, select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of hot-rolled steel during the periods of investigation. We intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five business days of publication of this **Federal Register** notice. The Department invites comments regarding respondent selection within seven business days of publication of this **Federal Register** notice.

Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS, by 5 p.m. ET by the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this notice. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo*.

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the GOB, GOK, and GOT *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each known exporter (as named in the Petitions), consistent with 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of hot-rolled steel from Brazil, Korea, and Taiwan are materially injuring, or threatening material injury to, a U.S. industry.[30] A negative ITC determination for any country will result in the investigation being terminated with respect to that country; [31] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The regulation requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Parties should review the regulations prior to submitting factual information in these investigations.

Extension of Time Limits Regulation

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10 a.m. on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm*, prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[32] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats

by the Trade Preferences Extension Act of 2015, 80 FR 46793 (August 6, 2015) (*Applicability Notice*). The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[28] *Id.* at 46794–95.

[29] *See* Volume I of the Petitions, at Exhibits I–8.

[30] *See* section 703(a) of the Act.

[31] *Id.*

[32] *See* section 782(b) of the Act.

for the revised certifications provided at the end of the *Final Rule*.[33] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: August 31, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Attachment I

Scope of the Investigations

The products covered by these investigations are certain hot-rolled, flat-rolled steel products, with or without patterns in relief, and whether or not annealed, painted, varnished, or coated with plastics or other non-metallic substances. The products covered do not include those that are clad, plated, or coated with metal. The products covered include coils that have a width or other lateral measurement (''width'') of 12.7 mm or greater, regardless of thickness, and regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, etc.). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieve subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges). For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above unless the resulting measurement makes the product covered by the existing antidumping [34] or countervailing duty [35] orders on Certain Cut-To-Length Carbon-Quality Steel Plate Products From the Republic of Korea (A–580–836; C–580–837), and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, etc.), the measurement at its greatest width or thickness applies.

Steel products included in the scope of these investigations are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 2.50 percent of manganese, or
- 3.30 percent of silicon, or
- 1.50 percent of copper, or
- 1.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 2.00 percent of nickel, or
- 0.30 percent of tungsten, or
- 0.80 percent of molybdenum, or
- 0.10 percent of niobium, or
- 0.30 percent of vanadium, or
- 0.30 percent of zirconium.

Unless specifically excluded, products are included in this scope regardless of levels of boron and titanium.

For example, specifically included in this scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, the substrate for motor lamination steels, Advanced High Strength Steels (AHSS), and Ultra High Strength Steels (UHSS). IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium and/or niobium added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum. AHSS and UHSS are considered high tensile strength and high elongation steels, although AHSS and UHSS are covered whether or not they are high tensile strength or high elongation steels.

Subject merchandise includes hot-rolled steel that has been further processed in a third country, including but not limited to pickling, oiling, levelling, annealing, tempering, temper rolling, skin passing, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the hot-rolled steel.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of these investigations unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of these investigations:

- Universal mill plates (*i.e.,* hot-rolled, flat-rolled products not in coils that have been rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, of a thickness not less than 4.0 mm, and without patterns in relief);
- Products that have been cold-rolled (cold-reduced) after hot-rolling; [36]
- Ball bearing steels; [37]

[33] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[34] *Notice of Amendment of Final Determinations of Sales at Less Than Fair Value and Antidumping Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate Products From France, India, Indonesia, Italy, Japan and the Republic of Korea,* 65 FR 6585 (February 10, 2000).

[35] *Notice of Amended Final Determinations: Certain Cut-to-Length Carbon-Quality Steel Plate From India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate From France, India, Indonesia, Italy, and the Republic of Korea,* 65 FR 6587 (February 10, 2000).

[36] For purposes of this scope exclusion, rolling operations such as a skin pass, levelling, temper rolling or other minor rolling operations after the hot-rolling process for purposes of surface finish, flatness, shape control, or gauge control do not constitute cold-rolling sufficient to meet this exclusion.

[37] Ball bearing steels are defined as steels which contain, in addition to iron, each of the following elements by weight in the amount specified: (i) Not less than 0.95 nor more than 1.13 percent of carbon; (ii) not less than 0.22 nor more than 0.48 percent of manganese; (iii) none, or not more than 0.03 percent of sulfur; (iv) none, or not more than 0.03 percent of phosphorus; (v) not less than 0.18 nor more than 0.37 percent of silicon; (vi) not less than 1.25 nor more than 1.65 percent of chromium; (vii) none, or not more than 0.28 percent of nickel; (viii) none, or not more than 0.38 percent of copper; and (ix) none, or not more than 0.09 percent of molybdenum.

- Tool steels; [38] and
- Silico-manganese steels; [39]

The products subject to these investigations are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7208.10.1500, 7208.10.3000, 7208.10.6000, 7208.25.3000, 7208.25.6000, 7208.26.0030, 7208.26.0060, 7208.27.0030, 7208.27.0060, 7208.36.0030, 7208.36.0060, 7208.37.0030, 7208.37.0060, 7208.38.0015, 7208.38.0030, 7208.38.0090, 7208.39.0015, 7208.39.0030, 7208.39.0090, 7208.40.6030, 7208.40.6060, 7208.53.0000, 7208.54.0000, 7208.90.0000, 7210.70.3000, 7211.14.0030, 7211.14.0090, 7211.19.1500, 7211.19.2000, 7211.19.3000, 7211.19.4500, 7211.19.6000, 7211.19.7530, 7211.19.7560, 7211.19.7590, 7225.11.0000, 7225.19.0000, 7225.30.3050, 7225.30.7000, 7225.40.7000, 7225.99.0090, 7226.11.1000, 7226.11.9030, 7226.11.9060, 7226.19.1000, 7226.19.9000, 7226.91.5000, 7226.91.7000, and 7226.91.8000. The products subject to the investigations may also enter under the following HTSUS numbers: 7210.90.9000, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.91.0015, 7214.91.0060, 7214.91.0090, 7214.99.0060, 7214.99.0075, 7214.99.0090, 7215.90.5000, 7226.99.0180, and 7228.60.6000.

The HTSUS subheadings above are provided for convenience and U.S. Customs purposes only. The written description of the scope of the investigations is dispositive.

[FR Doc. 2015–22556 Filed 9–8–15; 8:45 am]

BILLING CODE 3510–DS–P

[38] Tool steels are defined as steels which contain the following combinations of elements in the quantity by weight respectively indicated: (i) More than 1.2 percent carbon and more than 10.5 percent chromium; or (ii) not less than 0.3 percent carbon and 1.25 percent or more but less than 10.5 percent chromium; or (iii) not less than 0.85 percent carbon and 1 percent to 1.8 percent, inclusive, manganese; or (iv) 0.9 percent to 1.2 percent, inclusive, chromium and 0.9 percent to 1.4 percent, inclusive, molybdenum; or (v) not less than 0.5 percent carbon and not less than 3.5 percent molybdenum; or (vi) not less than 0.5 percent carbon and not less than 5.5 percent tungsten.

[39] Silico-manganese steel is defined as steels containing by weight: (i) Not more than 0.7 percent of carbon; (ii) 0.5 percent or more but not more than 1.9 percent of manganese, and (iii) 0.6 percent or more but not more than 2.3 percent of silicon.

DEPARTMENT OF COMMERCE

International Trade Administration

Corporation for Travel Promotion (dba Brand USA)

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Seeking applications from travel and tourism leaders from the restaurant industry for membership on the Board of Directors (Board) of the Corporation for Travel Promotion (dba Brand USA).

SUMMARY: The Department of Commerce is currently seeking additional applications from travel and tourism leaders from the restaurant sector for membership on the Board of Directors (Board) of the Corporation for Travel Promotion (dba Brand USA). The purpose of the Board is to guide the Corporation for Travel Promotion on matters relating to the promotion of the United States and communication of travel facilitation issues, among other tasks. On June 22, 2015, we published in the **Federal Register** a ''Notice of an opportunity seeking applications from travel and tourism industry leaders from specific industries for membership on the Board of Directors of the Corporation for Travel Promotion (dba Brand USA)'' (80 FR 35627), and on June 26, 2015, we published ''The Department of Commerce is currently seeking applications from travel and tourism leaders from specific industries for membership on the Board of Directors (Board) of the Corporation for Travel Promotion (dba Brand USA) (80 FR 36767), announcing membership opportunities from four specific industry sectors on the Board of Directors of the Corporation for Travel Promotion. The application period closed on August 7, 2015. We are now reopening the application period to solicit additional applications specifically from the restaurant sector. This notice supplements the notices of June 22, 2015, and June 26, 2015.

There were insufficient applicants from the restaurant sector, and the open period for making application in *this sector and this sector only* is now reopened to solicit additional applicants.

Interested parties who have already applied for this position in response to those **Federal Register** notices do not need to re-apply.

DATES: All applications must be received by the National Travel and Tourism Office by close of business on September 18, 2015.

ADDRESSES: Electronic applications may be sent to: *CTPBoard@trade.gov.* Written applications can be submitted to Isabel Hill, Director, National Travel and Tourism Office, U.S. Department of Commerce, Mail Stop 10007, 1401 Constitution Avenue NW., Washington, DC 20230. Telephone: 202.482.0140. Email: *Isabel.Hill@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Julie Heizer, Deputy Director, Industry Relations, National Travel and Tourism Office, Mail Stop 10003, 1401 Constitution Avenue NW., Washington, DC 20230. Telephone: 202.482.4904. Email: *julie.heizer@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Travel Promotion Act of 2009 (TPA) was signed into law by President Obama on March 4, 2010. The TPA established the Corporation for Travel Promotion (the Corporation), as a non-profit corporation charged with the development and execution of a plan to (A) provide useful information to those interested in traveling to the United States; (B) identify and address perceptions regarding U.S. entry policies; (C) maximize economic and diplomatic benefits of travel to the United States through the use of various promotional tools; (D) ensure that international travel benefits all States and the District of Columbia, and (E) identify opportunities to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers.

The Corporation is governed by a Board of Directors, consisting of 11 members with knowledge of international travel promotion or marketing, broadly representing various regions of the United States. The TPA directs the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State) to appoint the Board of Directors for the Corporation.

At this time, the Department will be selecting four individuals with the appropriate expertise and experience from specific sectors of the travel and tourism industry to serve on the Board as follows:

(A) 1 shall have appropriate expertise and experience in a city convention and visitors' bureau;

(B) 1 shall have appropriate expertise and experience in the restaurant industry;

(C) 1 shall have appropriate expertise and experience as an official in a State tourism office; and

(D) 1 shall have appropriate expertise and experience as an official in the hotel accommodations sector.

To be eligible for Board membership, individuals must have international travel and tourism marketing experience, be a current or former chief executive officer, chief financial officer, or chief marketing officer or have held an equivalent management position. Additional consideration will be given to individuals who have experience working in U.S. multinational entities with marketing budgets, and who are audit committee financial experts as defined by the Securities and Exchange Commission (in accordance with section 407 of PL 107–204 [15 U.S.C. 7265]). Individuals must be U.S. citizens, and in addition, cannot be federally-registered lobbyists or registered as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

Those selected for the Board must be able to meet the time and effort commitments of the Board.

Board members serve at the discretion of the Secretary of Commerce (who may remove any member of the Board for good cause). The terms of office of each member of the Board appointed by the Secretary shall be 3 years. Board members can serve a maximum of two consecutive full three-year terms. Board members are not considered Federal government employees by virtue of their service as a member of the Board and will receive no compensation from the Federal government for their participation in Board activities. Members participating in Board meetings and events may be paid actual travel expenses and per diem when away from their usual places of residence by Brand USA.

To be considered for appointment, please provide the following:

1. Name, title, and personal resume of the individual requesting consideration, including address, email address and phone number; and

2. A brief statement of why the person should be considered for appointment to the Board. This statement should also address the individual's relevant international travel and tourism marketing experience and indicate clearly the sector or sectors enumerated above in which the individual has the requisite expertise and experience. Individuals who have the requisite expertise and experience in more than one sector can be appointed for only one of those sectors. Appointments of members to the Board will be made by the Secretary of Commerce.

Dated: September 3, 2015.

Isabel M. Hill,

Director, National Travel and Tourism Office.

[FR Doc. 2015–22686 Filed 9–3–15; 4:15 pm]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Ocean Exploration Advisory Board Meeting

AGENCY: Office of Ocean Exploration and Research (OER), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Ocean Exploration Advisory Board (OEAB). OEAB members will discuss and provide advice on Federal ocean exploration programs, with a particular emphasis on National Oceanic and Atmospheric Administration (NOAA) Office of Ocean Exploration and Research (OER) activities, in the areas of: The U.S. Extended Continental Shelf Project, current and future exploration priorities, NOAA's ocean exploration partnerships, the next National Forum on Ocean Exploration, and other matters as described in the agenda found on the OEAB Web site at *http://oeab.noaa.gov.*

DATES: The announced meeting is scheduled for Thursday, October 1, 2015 from 8:30 a.m.–5:15 p.m. EDT, and Friday, October 2, 2015 from 8:30 a.m.–12:25 p.m. EDT.

ADDRESSES: The meeting will be held at the University of Rhode Island Graduate School of Oceanography Coastal Institute, Hazards Room 215, South Ferry Road, Narragansett, RI 02882.

Status: The meeting will be open to public participation with a 15-minute public comment period on Friday, October 2, 2015 at 10:15 a.m. EDT (please check the agenda on the Web site to confirm the time). The OEAB expects that public statements at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to three minutes. The Designated Federal Officer must receive written comments by September 23, 2015 to provide sufficient time for OEAB review. Written comments received after September 23, 2015 will be distributed to the OEAB but may not be reviewed prior to the meeting date. Seats will be available on a first-come first-served basis.

Special Accomodations: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to David McKinnie, Designated Federal Officer, at (206) 526–6950 by September 16, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. David McKinnie, Designated Federal Officer, Ocean Exploration Advisory Board, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115, (206) 526–6950.

SUPPLEMENTARY INFORMATION: NOAA established the OEAB under the Federal Advisory Committee Act (FACA) and legislation that gives the agency statutory authority to operate an ocean exploration program and to coordinate a national program of ocean exploration. The OEAB advises NOAA leadership on strategic planning, exploration priorities, competitive ocean exploration grant programs, and other matters as the NOAA Administrator requests.

OEAB members represent government agencies, the private sector, academic institutions, and not-for-profit institutions involved in all facets of ocean exploration—from advanced technology to citizen exploration.

In addition to advising NOAA leadership, NOAA expects the OEAB to help to define and develop a national program of ocean exploration—a network of stakeholders and partnerships advancing national priorities for ocean exploration.

Dated: September 1, 2015.

Jason Donaldson,

Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2015–22688 Filed 9–8–15; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Academy Board of Visitors Notice of Meeting

AGENCY: U.S. Air Force Academy Board of Visitors, Department of the Air Force, DoD.

ACTION: Meeting notice.

SUMMARY: In accordance with 10 U.S.C. 9355, the U.S. Air Force Academy (USAFA) Board of Visitors (BoV) will hold a meeting at the Falcon Club, U.S. Air Force Academy, Colorado Springs, CO, on September 25, 2015. On Friday, the meeting will begin at 9:00 a.m. The meeting is scheduled to close to the public at 2:00 p.m. The purpose of this meeting is to review morale and discipline, social climate, curriculum, instruction, infrastructure, fiscal affairs,

academic methods, and other matters relating to the Academy. Specific topics for this meeting include a Superintendent's Update; USAFA Academics Update; Outreach Subcommittee brief. In accordance with 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, one session of this meeting shall be closed to the public because it involves matters covered by subsection (c)(6) of 5 U.S.C. 552b. Public attendance at the open portions of this USAFA BoV meeting shall be accommodated on a first-come, first-served basis up to the reasonable and safe capacity of the meeting room. In addition, any member of the public wishing to provide input to the USAFA BoV should submit a written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements must address the following details: The issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and provide any necessary background information. Written statements can be submitted to the Designated Federal Officer (DFO) at the Air Force address detailed below at any time. However, if a written statement is not received at least 10 calendar days before the first day of the meeting which is the subject of this notice, then it may not be provided to or considered by the BoV until its next open meeting. The DFO will review all timely submissions with the BoV Chairman and ensure they are provided to members of the BoV before the meeting that is the subject of this notice. If after review of timely submitted written comments and the BoV Chairman and DFO deem appropriate, they may choose to invite the submitter of the written comments to orally present the issue during an open portion of the BoV meeting that is the subject of this notice. Members of the BoV may also petition the Chairman to allow specific personnel to make oral presentations before the BoV. In accordance with 41 CFR 102–3.140(d), any oral presentations before the BoV shall be in accordance with agency guidelines provided pursuant to a written invitation and this paragraph. Direct questioning of BoV members or meeting participants by the public is not permitted except with the approval of the DFO and Chairman. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during the open portions of this BoV meeting shall be made available upon request.

Contact Information: For additional information or to attend this BoV meeting, contact Lt Col Jeffrey Rosa, Accessions and Training Division, AF/A1PT, 1040 Air Force Pentagon, Washington, DC 20330, (703) 695–6711, *Jeffrey.T.Rosa.mil@mail.mil.*

Henry Williams Jr.,

Civ, DAF, Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2015–22681 Filed 9–8–15; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the Strategic Environmental Research and Development Program Scientific Advisory Board (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed pursuant to 10 U.S.C. 2904 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(a).

The Board is a non-discretionary Federal advisory committee. Pursuant to 10 U.S.C. 2904(e), the Strategic Environmental Research and Development Program Council (''the Council'') shall refer to the Board, and the Board shall review, each proposed research project including its estimated cost, for research in and development of technologies related to environmental activities in excess of $1,000,000. The Council, pursuant to its responsibilities under 10 U.S.C. 2902(d)(1) and in an effort to enhance the Board's review process, has lowered the dollar threshold for referral by the Council to the Board to any proposed research project in excess of $900,000. The Board shall make any recommendations to the Council that the Board considers appropriate regarding such project or proposal.

The Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, and, if appropriate, funding within the scope of the Strategic Environmental Research and Development Program. In addition, the Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures prescribed pursuant to 10 U.S.C. 2902(d)(1).

The Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, and, if appropriate, funding within the scope of the Strategic Environmental Research and Development Program. In addition, the Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures prescribed pursuant to 10 U.S.C. 2902(d)(1).

The Department of Defense (DoD), through the Office of the USD(AT&L) and the Strategic Environmental Research and Development Program, provides support for the Board's performance functions and ensures compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) (''the Sunshine Act''), governing Federal statutes and regulations, and established DoD policies and procedures.

Pursuant to 10 U.S.C. 2904(a), the Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall jointly appoint not less than six and not more than 14 members.

Pursuant to 10 U.S.C. 2904(b), the Board membership shall be composed of the following:

a. Permanent members of the Board are the Science Advisor to the President and the Administrator of the National Oceanic and Atmospheric Administration or their respective designees;

b. Non-permanent members of the Board shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. One such member of the Board shall be a representative of environmental public interest groups, and one such member

shall be a representative of the interests of State governments.

Pursuant to 10 U.S.C. 2904(b)(3), the Secretary of Defense and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall request that:

a. the head of the National Academy of Sciences, in consultation with the head of the National Academy of Engineering and the head of the Institutes of Medicine of the National Academy of Sciences, nominate persons for appointment to the Board;

b. the Council on Environmental Quality nominate for appointment to the Board at least one person who is a representative of environmental public interest groups; and

c. the National Association of Governors nominate for appointment to the Board at least one person who is a representative of the interests of State governments.

The Board, pursuant to 10 U.S.C. 2904(d), shall develop procedures for carrying out its responsibilities. Such procedures shall define a quorum as a majority of the members and shall provide for the annual election of the Board's Chair by the members of the Board.

The Board, pursuant to 10 U.S.C. 2904(d), shall develop procedures for carrying out its responsibilities. Such procedures shall define a quorum as a majority of the members and shall provide for the annual election of the Board's Chair by the members of the Board. Board members appointed by the Secretary of Defense and the Secretary of Energy, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 CFR 102–3.130(a) to serve as regular government employee (RGE) members.

SGE members are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Pursuant to 10 U.S.C. 2904(h), each member of the Board shall be required to file a financial disclosure report under title I of the Ethics in Government Act of 1978 (5 U.S.C. Appendix, as amended).

The members shall be appointed for terms of not less than two and not more than four years, as provided in 10 U.S.C. 2904(b)(4) and approved by the Secretary of Defense. All appointments shall be renewed by the Secretary of Defense on an annual basis. Members shall not serve more than two consecutive terms of service, unless authorized by the Secretary of Defense. With the exception of reimbursement of official Board-related travel and per diem, members of the Board serve without compensation.

DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(AT&L), as the Board's Sponsor.

Such subcommittees shall not work independently of the Board and shall report all of their recommendations and advice solely to the Board for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Board, directly to the DoD or any Federal officer or employee.

Each subcommittee member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Board, and he or she does so in a manner that is free from conflict of interest. All subcommittee members will be appointed by the Secretary of Defense or the Deputy Secretary of Defense for a term of service of two-to-four years, with annual renewals, even if the individual in question is already a member of the Board. Subcommittee members will not serve more than two consecutive terms of service, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense.

Subcommittee members who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 CFR 102–3.130(a) to serve as RGE members. With the exception of reimbursement of official travel and per diem related to the Board or its subcommittees, subcommittee members will serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The Board's Designated Federal Officer (DFO) must be a full-time or permanent part-time DoD officer or employee, appointed in accordance with established DoD policies and procedures. The Board's DFO is required to attend at all meetings of the Board and its subcommittees for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO, duly appointed to the Board according to established DoD policies and procedures, must attend the entire duration of all meetings of the Board and its subcommittees.

The DFO, or the Alternate DFO, calls all meetings of the Board and its subcommittees; prepares and approves all meeting agendas; and adjourns any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

Pursuant to 10 U.S.C. 2904(d), the minimum number of Board meetings is four per year. Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board.

All written statements shall be submitted to the DFO for the Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Board's DFO can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.*

The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Board. The DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: September 2, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–22614 Filed 9–8–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0091]

Privacy Act of 1974; Notice of a Computer Matching Program

AGENCY: Defense Manpower Data Center, DoD.

ACTION: Notice of a computer matching program.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended, requires agencies to publish advance notice of any proposed or revised computer matching program by the matching agency for public comment. The Department of Defense (DoD), as the matching agency under the Privacy Act, is hereby giving notice to the record subjects of a computer matching program between the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD) and the Veterans Benefits Administration of the Department of Veterans Affairs (VA) that their records will continue to be matched by computer. The purpose of this agreement is to verify an individual's continuing eligibility for VA benefits by identifying VA disability benefit recipients who return to active duty and to ensure that benefits are terminated if appropriate.

DATES: This proposed action will become effective October 9, 2015 and matching may commence unless changes to the matching program are required due to public comments or by Congressional or by Office of Management and Budget objections. Public comments must be received before the effective date.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Fletcher, Chief, Defense Privacy and Civil Liberties Division, Office of the Deputy Chief Management Officer, Office of the Secretary of Defense, 9010 Defense Pentagon, Washington, DC 20301–9010, or by telephone at 703–571–0070.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended (5 U.S.C. 552a), DoD and VA have concluded an agreement to renew a computer matching program between the agencies. The purpose of this agreement is to verify an individual's continuing eligibility for VA benefits by identifying VA disability benefit recipients who return to active duty and to ensure that benefits are terminated if appropriate. The VA will provide identifying information on disability compensation recipients to DMDC to match against a file of active duty (including full-time National Guard and Reserve) personnel. A copy of the computer matching agreement between VA and DMDC is available upon request to the public. Requests should be submitted to the address in the **FOR FURTHER INFORMATION CONTACT** section.

Set forth below is the notice of the renewal of the computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the **Federal Register** on June 19, 1989 at 54 FR 25818. The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, and an advance copy of this notice was submitted on August 26, 2015, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records about Individuals,'' dated February 8, 1996 (February 20, 1996; 61 FR 6427).

Dated: September 3, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Notice of a Computer Matching Program Between the Department of Defense and the Department of Veterans Affairs for Verification of Disability Compensation

A. *Participating Agencies:* Participants in this computer matching program are the Veterans Benefits Administration of the Department of Veterans Affairs (VA) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). The VA is the source agency, *i.e.,* the activity disclosing the records for the purpose of the match. The DMDC is the specific recipient activity or matching agency, *i.e.,* the agency that performs the computer matching.

B. *Purpose of the Match:* The purpose of this agreement is to verify an individual's continuing eligibility for VA benefits. VA will provide identifying information on disability compensation and pension recipients to DMDC to match against a file of active duty (including full-time National Guard and Reserve) personnel. The purpose is to identify those recipients who have returned to active duty and are ineligible to receive VA compensation and pension so that benefits can be adjusted or terminated, if appropriate in order.

C. *Authority for Conducting the Match:* The legal authority for conducting the matching program for use in the administration of VA's Compensation and Pension Benefits Program is contained in 38 U.S.C. 5304(c), Prohibition Against Duplication of Benefits, which precludes pension, compensation, or retirement pay on account of any person's own service, for any period for which he or she receives active duty pay. The head of any Federal department or agency shall provide, pursuant to 38 U.S.C. 5106, such information as requested by VA for the purpose of determining eligibility for, or amount of benefits, or verifying other information which respect thereto.

D. *Records To Be Matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which record will be disclosed for the purpose of this computer matching agreement are as follows:

1. VA will use the system of records identified as ''Compensation, Pension, Education and Vocational Rehabilitation and Employment Records—VA'' (58VA21/22/28), published at 74 FR 29275 (June 19, 2009), and last amended at 77 FR 42593 (July 19, 2012). Disclosure of data will be pursuant to routine use 39.

2. DoD will use the system of records identified as DMDC 01, entitled, ''Defense Manpower Data Center Data Base'', published November 23, 2011, 76 FR 72391. Disclosure of data will be pursuant to routine use 1.(e).

E. *Description of Computer Matching Program:* VA will provide DMDC with an electronic file that contains specified data elements of individual VA disability compensation and pension

recipients. Upon receipt of the electronic file, DMDC will perform a computer match using all nine digits of the SSNs in the VA file against a DMDC computer database. The DMDC database consists of pay records of active duty (including full-time National Guard and Reserve) military members. Matching records, ''hits'' based on the SSN, will produce the member's name, branch of service, and unit designation, and other pertinent data elements. The hits will be furnished to VA, which is responsible for verifying and determining the data on the electronic reply file are consistent with the source file and for resolving all discrepancies or inconsistencies on an individual basis. VA will also be responsible for making final determinations as to positive identification, eligibility for benefits, and verifying any other information with respect thereto.

The listing will be sorted by VA file number by Regional Office number. VA will then take necessary action to terminate compensation payments of any benefit recipient identified as being on active duty while receiving compensation pay after following the verification of procedures detailed in this agreement.

F. *Inclusive Dates of the Matching Program:* This computer matching program is subject to public comment and review by Congress and the Office of Management and Budget. If the mandatory 30 day period for comment has expired and no comments are received and if no objections are raised by either Congress or the Office of Management and Budget within 40 days of being notified of the proposed match, the computer matching program becomes effective and the respective agencies may begin the exchange at a mutually agreeable time and thereafter on a quarterly basis. By agreement between VA and DMDC, the matching program will be in effect for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. *Address for Receipt of Public Comments or Inquiries:* Chief, Defense Privacy and Civil Liberties Division, Office of the Deputy Chief Management Officer, Office of the Secretary of Defense, 9010 Defense Pentagon, Washington, DC 20301–9010. Telephone (703)571–0070.

[FR Doc. 2015–22654 Filed 9–8–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15–37–000]

Saddlehorn Pipeline Company, LLC; Notice of Petiton for Declaratory Order

Take notice that on August 25, 2015, pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2)(2015), Saddlehorn Pipeline Company, LLC (Saddlehorn) filed a petition requesting a declaratory order approving the proposed tariff and overall rate structure and terms of service for a new interstate pipeline project that will transport crude oil from the D–J Basin in Colorado to Cushing, Oklahoma, all as more fully explained in the Petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on September 16, 2015.

Dated: September 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–22648 Filed 9–8–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the PJM Interconnection, L.L.C. (PJM):

PJM Planning Committee

September 10, 2015, 9:30 a.m.–12 p.m. (EST)

PJM Transmission Expansion Advisory Committee

September 10, 2015, 11 a.m.–3 p.m. (EST)

The above-referenced meetings will be held at: PJM Conference and Training Center, PJM Interconnection, 2750 Monroe Boulevard, Audubon, PA 19403.

The above-referenced meetings are open to stakeholders.

Further information may be found at *www.pjm.com.*

The discussions at the meetings described above may address matters at issue in the following proceedings:

Docket Nos. ER15–33, *et. al., The Dayton Power and Light Company*
Docket No. ER15–994, *PJM Interconnection, L.L.C.*
Docket No. ER14–2867, *Baltimore Gas & Electric Company, et al., and PJM Interconnection, L.L.C.*
Docket Nos. ER14–972 and ER14–1485, *PJM Interconnection, L.L.C.*
Docket No. ER14–1485, *PJM Interconnection, L.L.C.*
Docket Nos. ER13–1957, *et al., ISO New England, Inc. et. al.*
Docket Nos. ER13–1944, *et al., PJM Interconnection, L.L.C.*
Docket No. ER15–1344, *PJM Interconnection, L.L.C.*
Docket No. ER15–1387, *PJM Transmission Owners*
Docket No. ER15–2562, *PJM Interconnection, L.L.C.*
Docket No. ER15–2563, *PJM Interconnection, L.L.C.*

Docket No. EL15–18, *Consolidated Edison Company of New York, Inc.* v. *PJM Interconnection, L.L.C.*
Docket No. EL15–41, *Essential Power Rock Springs, LLC et. al.* v. *PJM Interconnection, L.L.C.*
Docket No. ER13–1927, *et al., PJM Interconnection- SERTP*
Docket No. ER15–2114, *PJM Interconnection, L.L.C. and Transource West Virginia, LLC*
Docket No. EL15–79, *TransSource, LLC* v. *PJM Interconnection, L.L.C.*
Docket No. EL15–95, *Delaware Public Service Commission et. al.,* v. *PJM Interconnection, L.L.C. et. al.*
Docket No. EL15–67, *Linden VFT, LLC* v. *PJM Interconnection, L.L.C.*

For more information, contact the following:

Jonathan Fernandez, Office of Energy Market Regulation, Federal Energy Regulatory Commission, (202) 502–6604, *Jonathan.Fernandez@ferc.gov.*
Alina Halay, Office of Energy Market Regulation, Federal Energy Regulatory Commission, (202) 502–6474, *Alina.Halay@ferc.gov.*

Dated: September 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–22647 Filed 9–8–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 405–113]

Exelon Generation Company, LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed an application submitted by Exelon Generating Company, LLC (licensee) to allow Peach Bottom Atomic Power Station (Peach Bottom), in York County, Pennsylvania, the use of Conowingo Hydroelectric (FERC No. 405) project lands and water for the increased withdrawal and discharge of water. The project is located on the Susquehanna River near Lancaster, Pennsylvania, in Hartford and Cecil counties, Maryland and in York and Lancaster counties, Pennsylvania.

An Environmental Assessment (EA) has been prepared as part of Commission staff's review of the proposal. In the application, the licensee proposes to increase the total water withdrawn for the operation of Peach Bottom from a currently authorized 2,236.264 million gallons per day (mgd) to 2,363.620 mgd and to increase the associated consumptive use of water withdrawn from 35.5 mgd to 49.0 mgd. This EA contains Commission staff's analysis of the probable environmental impacts of the proposed, increased withdraw and discharge of water and concludes that approval of the proposal would not constitute a major federal action significantly affecting the quality of the human environment.

The EA is available for electronic review and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426. The EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–405) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3372 or for TTY, (202) 502–8659.

Any comments on the EA should be filed by October 2, 2015 and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1–A, Washington, DC 20426. Please reference the project name and project number (P–405–113) on all comments. Comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''eFiling'' link.

For further information, contact Alicia Burtner at (202) 502–8038 or by email at *Alicia.burtner@ferc.gov.*

Dated: September 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–22649 Filed 9–8–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2593–000]

Desert Stateline LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Desert Stateline LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 22, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–22646 Filed 9–8–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2694–042]

Duke Energy Carolinas, LLC; Notice of Application for Temporary Variance and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Temporary Variance from license Article 401

b. *Project No.:* 2694–042

c. *Date Filed:* June 9, 2015

d. *Applicant:* Duke Energy Carolinas, LLC

e. *Name of Project:* Queens Creek Hydroelectric Project

f. *Location:* The project is located on Queens Creek, near the Town of Topton in Macon County, North Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Jeffrey G. Lineberger, Director, Water Strategy and Hydro Licensing, Duke Energy Carolinas, LLC, 526 South Church Street, Mail Code: EC12Y/PO Box 1006, Charlotte, NC, 28201–1006; telephone: (704) 382–5942.

i. *FERC Contact:* Kurt Powers, telephone: (202) 502–8949, and email address: *kurt.powers@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 15 days from the issuance date of this notice by the Commission.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site 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* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail a copy to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–2694–042) on any comments or motions filed.

k. *Description of Request:* The licensee is requesting a temporary variance to the reservoir elevation range for Queens Creek Lake required by Article 401 of the project license. Article 401 requires the licensee to maintain Queens Creek Lake within one foot above and two feet below the reservoir's normal full operating pool level of 3,017.0 feet mean sea level (msl) (or 2,895.0 feet Nantahala Datum (ND)). The licensee requests to begin lowering Queens Creek Lake on October 1, 2015, to reach a target reservoir elevation of approximately 2,985.2 feet msl by November 1, 2015. The drawdown would allow the licensee to make required repairs to the headgate screens and draft tube for the Queens Creek Hydroelectric Station. The drawdown would also provide safe access for divers to install a bulkhead to allow the licensee to drain and replace leaking penstock piping components and valves. Once the reservoir level reaches the target elevation of 2,985.2 feet msl the bulkhead would be installed, closing the intake structure, and the lake would begin refilling to the normal range required by Article 401. The licensee would maintain a minimum flow of one cubic feet per second in the bypassed reach during the drawdown and repairs; which the licensee plans to complete by November 30, 2015.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. A copy is also available for inspection and reproduction at the address in item (h) above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment application. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: September 2, 2015.

Kimberly Bose,

Secretary.

[FR Doc. 2015–22650 Filed 9–8–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–545–000]

Southern Natural Gas Company, L.L.C.; Notice of Request Under Blanket Authorization

Take notice that on August 10, 2015, Southern Natural Gas Company L.L.C., (Southern), located at 569 Brookwood

Village, Suite 749, Birmingham, Alabama 35209, filed in Docket No. CP15–545–000, a prior notice request pursuant to sections 157.205, and 157.210 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act (NGA) and its blanket authority granted in Docket No. CP82–406–000 on September 1, 1982, seeking authorization to, among other things, uprate the horsepower at the Ellerslie Compressor Station, uprate the maximum allowable operating pressure to 720 pounds per square inch of its Montgomery-Columbus Line, and other facilities modifications to its South Main Pipeline System in Clarke County, Mississippi; Harris, Decatur, Lee, Early and Worth Counties, Georgia; and Tallapoosa, Macon, Dallas and Lee Counties, Alabama in order to increase capacity by 4.991 million cubic feet per day as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding the Request should be directed to Pamela R. Donaldson, Senior Regulatory Analyst II, Southern Natural Gas Company, 569 Brookwood Village, Suite 749, Birmingham, Alabama 35209, at (205) 325–3739 or *pamela_donaldson@kindermorgan.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and ill not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: August 25, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–22657 Filed 9–8–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2590–000]

Triolith Energy Fund LP; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Triolith Energy Fund LP's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 22, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email

FERCOnlineSupport@ferc.gov. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–22645 Filed 9–8–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9933–54–Region 2]

New York State Prohibition of Discharges of Vessel Sewage; Notice of Final Determination

AGENCY: Environmental Protection Agency.

ACTION: Notice of determination.

SUMMARY: Notice is hereby given that, pursuant to 33 CFR 1322(f)(3) and 40 CFR 140.4(a), the State of New York has determined that the protection and enhancement of the waters of Seneca Lake, Cayuga Lake, the Seneca River and tributaries thereto require greater environmental protection than the applicable Federal standards provide and petitioned the United States Environmental Protection Agency (EPA), Region 2 for a determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Seneca Lake, Cayuga Lake and the Seneca River, so that the State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters. New York State proposes to establish a vessel waste No Discharge Zone (NDZ) covering the approximately 150 square miles of connected waters and tributaries of Seneca Lake, Cayuga Lake and the Seneca River.

FOR FURTHER INFORMATION CONTACT: Moses Chang, (212) 637–3867, email address: *chang.moses@epa.gov* .

SUPPLEMENTARY INFORMATION: Notice is hereby given that the State of New York (NYS or State) has petitioned the United States Environmental Protection Agency, Region 2, pursuant to section 312(f)(3) of Public Law 92–500 as amended by Public Law 95–217 and Public Law 100–4, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Seneca Lake, Cayuga Lake and the Seneca River.

Adequate facilities are defined as one sewage pumpout station for every 300 to 600 boats pursuant to the Clean Vessel Act: Pumpout Station and Dump Station Technical Guidelines (**Federal Register**, Vol. 59, No. 47, March 10, 1994).

On April 17, 2015, EPA published notice of its tentative affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Seneca Lake, Cayuga Lake and the Seneca River, and its approval of New York's proposal to ban the discharge of treated and untreated sewage from vessels into those waters under Clean Water Act (''CWA'') § 312(f)(3). (78 FR 59681, September 27, 2013) EPA solicited public comments for 30 days, and the comment period ended on May 17, 2015. EPA received a total of twenty two comments via letter and email. All of the twenty two commenters support EPA's proposed determination. All of the relevant comments received have been considered, as discussed below, and EPA hereby issues a final affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available within Seneca Lake, Cayuga Lake and the Seneca River.

EPA Response to Public Comments on the April 17, 2015 Tentative Affirmative Determination

Comment 1: Several commenters, including boaters, residents, Non-Governmental Organizations (NGOs) and community advocates expressed strong support for the establishment of a vessel waste no discharge zone (''NDZ'') for Seneca Lake, Cayuga Lake, the Seneca River and tributaries thereto. Some commenters pointed out that this action will reduce pathogens and chemicals, improve water quality and further protect drinking water, wildlife habitats and restore the lakes.

EPA Response: The petition was submitted under CWA § 312(f)(3), which allows New York to establish a vessel sewage no discharge zone if the state determines that the protection and enhancement of the quality of some or all of the waters within the state require greater environmental protection and if EPA determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available within those waters. These comments are consistent with New York's determination of need.

Comment 2: One commenter suggested that stricter enforcement regulations for sewage discharge in Seneca Lake, Cayuga Lake and the Seneca River are needed.

EPA Response: We appreciate this comment. EPA's determination in the present action is limited to whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available within Seneca Lake, Cayuga Lake and the Seneca River and does not address the adequacy of enforcement of the proposed ban. This comment is noted but is beyond the scope of EPA's determination on this matter.

Comment 3: One commenter supports the proposed NDZ and suggests that EPA and DEC do more to protect water quality from land use changes, pollution discharges and energy development.

EPA Response: We appreciate this comment. As noted above, EPA's determination in the present action is limited to whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available within Seneca Lake, Cayuga Lake and the Seneca River and does not address the need for additional efforts to protect water quality. This comment is noted but is beyond the scope of EPA's determination on this matter.

Certification of Need: New York's petition contains a certification by the Commissioner of the New York State Department of Environmental Conservation (NYSDEC) that the protection and enhancement of Seneca Lake, Cayuga Lake, the Seneca River and the navigable tributaries thereto, requires greater environmental protection than the applicable Federal standards provide. The certification states that Seneca Lake and Cayuga Lake are water bodies of unique ecological, economic and public health significance, as well as drinking water sources. Pathogens and chemicals contained in the currently-lawful effluent from discharging marine sanitation devices (MSDs) threaten public health and the environment and contravene the State's ongoing efforts to control point and non-point source pollution from municipal discharges, combined sewer overflows and storm water runoff. The proposed NDZ represents one component of a comprehensive approach to water quality management. Protecting Seneca Lake, Cayuga Lake and the Seneca River warrants this greater level of environmental protection in order to maintain excellent water quality, prevent future degradation and speed the recovery of impaired segments.

Seneca Lake is the largest and deepest of all the Finger Lakes at 4.2 trillion gallons in volume and 291 feet in average depth. The maximum depth of the lake is 618 feet. The Seneca Lake Watershed comprises 14% of the greater Oswego River Watershed. While the

water quality of the lake is generally good, the lake is on the NYSDEC Priority Waterbody List as a *Water with Minor Impacts.* This means that the current uses of the lake are fully supported but some negative water quality impacts have been observed and action must be taken to ensure that the water will continue to support its uses in the future. Pollutants that negatively impact the lake include pathogens and oxygen demand from the Watkins Glen wastewater treatment plant and general lakeside activities as well as sediment from eroding stream banks and steep slopes surrounding the lake. As part of its broader efforts to protect and enhance the water quality of Seneca Lake, New York seeks to eliminate the discharge of pathogens and chemicals from all vessels using the lake.

Cayuga Lake has a maximum depth of 435 feet and a volume of about 2.5 trillion gallons. The Cayuga Lake Watershed comprises 15% of the greater Oswego River Watershed. While the water quality of Cayuga Lake is generally good, the northern to mid-south portions of the lake are on the NYSDEC Priority Waterbody List as *Threatened Segments* because of the lake's significant value as a drinking water resource. As part of its broader effort to preserve and enhance water quality to maintain the lake's use as drinking waters with minimal required treatment, New York seeks to eliminate the discharge of pathogens and chemicals from all vessels using the lake.

Adequacy of Sewage Removal and Treatment Facilities

In determining whether adequate facilities exist for the safe and sanitary removal and treatment of sewage from all vessels using a water body, EPA relies on the ''Clean Vessel Act: Pumpout Station and Dump Station Technical Guidelines,'' (59 FR 11290) published by the U.S. Department of the Interior (DOI), which provides that at least one pumpout station should be provided for every 300 to 600 boats over 16 feet in length. The guidance also provides that approximately 20% of boats between 16 and 26 feet, 50% of boats between 26 and 40 feet and all vessels over 40 feet in length can be assumed to have an installed toilet with some type of MSD. Vessels below 16 feet in length are generally presumed not to have an MSD onboard.

Estimated Vessel Population

In support of its petition, New York provided information on the vessel population in the proposed NDZ. The population of recreational vessels using Seneca Lake, Cayuga Lake and the Seneca River was estimated based on the New York State Office of Parks, Recreation and Historic Preservation's 2012 Boating Report (OPRHP Report) for the counties of Cayuga, Ontario, Schuyler, Seneca, Steuben, Tompkins and Yates, which surround the lakes. While it is very unlikely that every single vessel registered in these counties will operate in the proposed NDZ simultaneously, the state took a conservative approach and considered all boats registered in these counties as part of the overall recreational vessel population of the proposed NDZ.

According to the OPRHP Report, in the seven counties surrounding the proposed NDZ, there are 16,740 registered boats between 16 and 25 feet long, 1,161 boats between 26 and 40 feet long and 71 boats over 40 feet long. Applying the percentages in the DOI guidance yields an estimate of 3,967 recreational vessels with MSDs that operate in the proposed NDZ.

The population of commercial vessels using Seneca Lake, Cayuga Lake and the Seneca River was estimated based on information provided by the Genesee Finger Lakes Regional Planning Board and the Finger Lakes Institute as well as information obtained from the Internet. According to these sources, the majority of commercial vessels operating in the proposed NDZ are chartered fishing boats. There are at least 18 charter services that operate primarily in Seneca Lake and Cayuga Lake, as well as 11 cruise companies. These companies own anywhere from one to three vessels. A conservative assumption of 40 companies (18 charter companies + 11 cruise companies + 11 unlisted businesses) with three vessels each yields a total of 120 commercial vessels that operate in the proposed NDZ. As an additional conservative assumption, all 120 commercial vessels are assumed to have MSDs. Therefore, there are approximately 4,090 vessels with MSDs operating in the proposed NDZ.

Available Pumpout Facilities

In further support of its petition, New York provided information on the number of pumpout facilities available to the recreational and commercial vessels in the proposed NDZ. The federal Clean Vessel Act of 1992 made grants available to states for construction, replacement and renovation of recreational vessel pumpouts. New York applied for the first federal grant in 1994 and initiated a statewide program known as the Clean Vessel Assistance Program (CVAP), managed and administered by New York State Environmental Facilities Corporation that has helped establish and support 17 pumpout facilities serving Seneca Lake, Cayuga Lake and the Seneca River, of which two are pumpout boats and 15 are dockside pumpouts. EPA independently updated and verified these pumpout information and concluded that two pumpout boats are out of operation and only 14 dockside pumpouts are operational. An additional three pumpout facilities are available to the public but are not funded through CVAP. All these current 17 pumpout (14 CVAP + 3 non-CVAP pumpouts = 17 pumpouts) facilities either discharge to a holding tank, to a municipal wastewater treatment plant or to an on-site septic system.

While some commercial shipping vessels are so large as to require special docking accommodations or mobile pumpouts to access pumpout services, the commercial vessels that operate in the proposed NDZ are all small enough to use the same pumpouts that the recreational vessels use. Therefore, the total number of pumpout facilities available for use by the vessels that operate in the proposed NDZ is 17. A list of pumpout facilities, phone numbers, locations, hours of operation, water depth and fees is provided below:

No.	Name	Location, Lat./Long.	Contact information	* Days and hours of operation	Water depth, (feet)	Fee
1	Cayuga—Seneca—Lock CS1–4.	Seneca Lake State Park, 42.870575/—76.939667.	315–789–2331	April 1–September 30, 24 hours.	6′	$2.00
2	Cayuga Lake	Allan H Treman. State Marine Park, 42.458467/—76.513033.	607–273–3440	May 1–October 15, 24 hours.	7′	2.00
3	Cayuga Lake	Frontenac Harbor, 42.839778/—76.695769.	315–889–5532	April 1–October 15, 9:00 a.m.–4:30 p.m.	4′	5.00

No.	Name	Location, Lat./Long.	Contact information	* Days and hours of operation	Water depth, (feet)	Fee
4	Seneca Lake	Barret Marine, Inc.–Stationary, 42.874176/—76.935906.	315–789–9513	Year round, 8:00 a.m.–7:00 p.m.	5′	0.00
5	Seneca Lake	Village Marina, 42.384630/—76.87871697.	607–535–7910	June–October, 11:00 a.m.–6:00 p.m.	5′	5.00
6	Seneca Lake	Stivers (GPJ) Seneca Marine, Inc., 42.868925/—76.939064.	315–789–5520	May 1–Labor Day, 8:00 a.m.–8:00 p.m.	6′	5.00
7	Cayuga Lake	Johnson Boat Yard (dba)–Pierce Cleveland, Inc., 42.452369/—76.510231.	607–272–5191	April 1–November 1, 9:00 a.m.–5:00 p.m.	6′	0.00
8	Seneca Lake	Montour Falls-V Municipal Marina, 42.354167/—76.853333.	607–210–4124	May 2–October 15, 7:00 a.m.–7:00 p.m.	4.5′	5.00
9	Cayuga Seneca—Lock CS1–4.	Oak Island Marine Facility, 42.900983/—76.866894.	315–539–9131	April 1–October 1, 24 hours.	8′	0.00
10	Cayuga Lake	Hibiscus Harbor, 42.856781/—76.706081.	315–889–5086	April 1–November 1, 24 hours.	12′	5.00
11	Seneca Lake	Frog Hollow Marina, 42.370636/—76.859106.	607–535–2671	April 15–November 15, 9:00 a.m.–5:00 p.m.	5′	5.00
12	Seneca Lake	Seneca Falls-V, 42.909675/—76.795868.	315–568–2316	May 1–November 1, 24 hours.	20′	2.00
13	Cayuga-Seneca—Lock CS1–4.	Waterloo Harbor, 42.540172/—76.524237.	315–539–8848	May 1–September 30, 24 hours.	10′	5.00
14	Seneca Lake	Glen Harbor Marina, 42.383099/—76.861575.	607–535–2751	April 15–October 15, 10:00 a.m.–5:00 p.m.	6′	0.00
15	Cayuga Lake	Eagles Landing Marina, 42.072211/—76.548915.	315–834–6829	April 15–October 15.	Unknown	0.00
16	Cayuga Lake	Taughannock Falls State Park, 42.547636/—76.595714.	607–387–6739	March 1–October 15.	6′	0.00
17	Seneca Lake	Sampson State Park Marina, 42.4247/—76.9119.	315–585–6392	April 15–October 20.	Unknown	0.00

* Please note that the actual days of operation depend on the weather.

RATIO OF PUMPOUTS FACILITIES TO VESSELS OPERATING IN THE PROPOSED NDZ

Total boat registrations	Total pumpout facilities	Boat: pumpout ratio
4,090	17	241:1

Based on a total vessel population of 4,090 and 17 currently available pumpout facilities, the ratio of boats to pumpouts is 241:1, which means there are significantly more pumpouts than the recommended range of 300–600:1. In addition, the pumpouts are well distributed between the lakes (7 are in Cayuga Lake and 10 are in Seneca Lake).

Based on the information above, and after considering the relevant public comments, EPA hereby makes a final affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage are reasonably available for all vessels that use the waters of Seneca Lake, Cayuga Lake and the Seneca River. Accordingly, pursuant to 33 CFR 1322(f)(3) and 40 CFR 140.4(a), New York may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters.

Dated: August 11, 2015.

Judith A. Enck,

Regional Administrator, Region 2.

[FR Doc. 2015–22694 Filed 9–8–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information

collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before October 9, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Sections 96.17; 96.21; 96.23; 96.33; 96.35; 96.39; 96.41; 96.43; 96.45; 96.51; 96.57; 96.59; 96.61; 96.63; 96.67, Commercial Operations in the 3550–3650 MHz Band.

Form Number: N/A.

Type of Review: New information collection.

Respondents: Business or other for-profit entities, state, local, or tribal government and not for profit institutions.

Number of Respondents: 110,782 respondents; 136,432 responses.

Estimated Time per Response: 0 to .5 hours.

Frequency of Response: One-time and on occasion reporting requirements; other reporting requirements—as-needed basis for the equipment safety certifications, and consistently (likely daily) responses automated via the device.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 152, 154(i), 154(j), 155(c), 302(a), 303, 304, 307(e), and 316 of the Communications Act of 1934.

Total Annual Burden: 37,977 hours.

Total Annual Cost: $7,318,100.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The FCC adopted a Report and Order, FCC 15–47, that establishes rules for commercial use of 150 megahertz in the 3550–3700 MHz (3.5 GHz) band and created a new Citizens Broadband Radio Service, on April 17, 2015, published at 80 FR 36163 (June 23, 2015). The order creates a Spectrum Access System (SAS), an online database that will manage and coordinate frequency use in the band through registration and other technical information. The Commission seeks approval from the Office of Management and Budget (OMB) for the information collection requirements contained in FCC 15–47. The SAS will use the information to assign frequencies, manage interference, and authorize spectrum use. The Commission will use the information to authorize the SAS Administrator(s) and ESC operator(s). The following is a description of the information collection requirements for which the Commission seeks OMB approval:

Section 96.17(d) requires that FSS Earth Station licensees register annually with the SAS to receive interference protection.

Section 96.21(a)(3) requires that existing commercial wireless broadband licensees operating in the band register in order to receive interference protection.

Sections 96.23(b); 96.33(b); 96.39(a)(1) and (c)–(e); 96.43(b); 96.45(d) require that the Citizens Broadband Radio Services Devices (CBSDs), which will operate on the Citizens Broadband Radio Service, must be registered with an SAS before use, provide specified information to the SAS, and adhere to certain operating parameters.

Section 96.35(e) requires that users operating Category B CBSDs must coordinate among each other and resolve interference through technological solutions or other agreements.

Sections 96.39(a) and (b) require that CBSDs report their geographic coordinates to an SAS automatically through the device or by a professional installer.

Sections 96.39(f) and (g) require that CBSDs incorporate sufficient security measures so that they are only able to communicate with the SAS and approved users and devices.

Section 96.41(d)(1) requires that licensees must report the use of an alternative Received Signal Strength Limit (RSSL) to the SAS.

Section 96.51 requires that manufacturers include a statement of compliance with the Commission's Radio Frequency (RF) safety rules with equipment authorization applications. Sections 96.57(a)–(c); 96.59(a); 96.61 require that the SAS be capable of receiving registration and technical information from CBSDs, SASs, and ESCs, as well as employ secure communication protocols.

Section 96.63 requires that SAS Administrator applicants must demonstrate to the Commission that they are qualified to manage an SAS.

Section 96.67 requires that an Environmental Sensing Capability (ESC), used to protect federal radar systems from interference, may only operate after receiving Commission approval and be able to communicate information about the presence of a federal system and maintain security of the detected signals.

These rules which contain information collection requirements are designed to provide for flexible use of this spectrum, while managing three tiers of users in the band, and create a low-cost entry point for a wide array of users. The rules will encourage innovation and investment in mobile broadband use in this spectrum while protecting incumbent users. Without this information, the Commission would not be able to carry out its statutory responsibilities.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2015–22596 Filed 9–8–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Safety and Homeland Security Bureau; Federal Advisory Committee Act; Task Force on Optimal Public Safety Answering Point Architecture

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), this notice advises interested persons that the Federal Communications Commission's (FCC) Task Force on Optimal Public Safety Answering Point (PSAP) Architecture (Task Force) will hold its fourth meeting.

DATES: September 29, 2015.

ADDRESSES: Federal Communications Commission, Room TW–C305 (Commission Meeting Room), 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Timothy May, Federal Communications Commission, Public Safety and Homeland Security Bureau, 202–418–1463, email: *timothy.may@fcc.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be held on September 29, 2015, from 1:00 p.m. to 4:00 p.m. in the Commission Meeting Room of the FCC, Room TW–305, 445 12th Street SW., Washington, DC 20554. The Task Force is a Federal Advisory Committee that studies and will report findings and recommendations on PSAP structure and architecture to determine whether additional consolidation of PSAP infrastructure and architecture improvements would promote greater efficiency of operations, safety of life, and cost containment, while retaining needed integration with local first responder dispatch and support. On December 2, 2014, pursuant to the FACA, the Commission established the Task Force charter for a period of two years, through December 2, 2016. At this meeting, the Task Force will vote on the recommendations and report of Working Group 3, ''Optimal Approach to Next-Generation 911 Resource Allocation for PSAPs.''

Members of the general public may attend the meeting. The FCC will attempt to accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Commission will provide audio and/or video coverage of the meeting over the Internet from the FCC's Web page at *http://www.fcc.gov/live.*

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs at (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation requested. In addition, please include a way the FCC may contact you if it needs more information. Please allow at least five days' advance notice; last minute requests will be accepted, but may be impossible to fill.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–22597 Filed 9–8–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination, 10173 Premier American Bank, Miami, Florida

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10173 Premier American Bank, Miami, Florida (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of Premier American Bank (Receivership Estate); The Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective September 1, 2015 the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: September 3, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–22667 Filed 9–8–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10475 Heritage Bank of North Florida, Orange Park, Florida

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Heritage Bank of North Florida, Orange Park, Florida (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Heritage Bank of North Florida on April 19, 2013. 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 34.6, 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.

Date: September 2, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–22627 Filed 9–8–15; 8:45 am]

BILLING CODE 6714–01–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 October 2, 2015.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *CCB Bankshares, Inc.,* South Hill, Virginia; to become a bank holding company by acquiring 100 percent of the voting securities of Citizens Community Bank, South Hill, Virginia.

Board of Governors of the Federal Reserve System, September 3, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–22636 Filed 9–8–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 23, 2015.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. *Ann Ferneau Brown, individually, and as a member of the Brown Family Group, which consists of Ann Ferneau Brown; The Russell E. Brown Trust; Ann Ferneau Brown Trust, all of Blanchester, Ohio; David E. Brown; Mark E. Brown, both of Loveland, Ohio; and Stephanie A. Hearn, Liberty Township, Ohio;* to retain voting shares of First Blanchester Bancshares, Inc., and thereby indirectly retain voting shares of The First National Bank of Blanchester, both in Blanchester, Ohio.

B. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *Gaylon M. Lawrence, Jr.,* Memphis, Tennessee; to acquire voting shares of F&M Financial Corporation, and thereby indirectly acquire voting shares of F&M Bank, both in Clarksville, Tennessee.

Board of Governors of the Federal Reserve System, September 3, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–22637 Filed 9–8–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–15–15ANC]

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

Formative and Summative Evaluation of the National Diabetes Prevention Program—Existing Collection Without an OMB Control Number—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Findings from randomized controlled trials and translation studies have demonstrated that type 2 diabetes can be prevented or delayed in those at high risk through a structured lifestyle intervention that can be delivered cost effectively in real-world settings. However, several challenges must be addressed to achieve large-scale adoption and implementation of these evidence-based lifestyle change programs.

In response to these challenges, Congress authorized the CDC to establish and lead the National Diabetes Prevention Program (National DPP). CDC developed a year-long, evidence-based lifestyle change program aimed at increasing knowledge and awareness of healthy eating and physical activity among people at-risk for diabetes. In order to bring this compelling intervention to communities across America, CDC funded six grantees under Funding Opportunity Number: DP12–1212PPHF12 to establish and expand ''a network of structured, evidence-based lifestyle change programs designed to prevent type 2 diabetes among people at high risk''.

The six National DPP grantees offer the program consistent with the CDC's Diabetes Prevention Recognition Program (DPRP) Standards. The National DPP grantees deliver the intervention through an estimated 110 sites. Grantees are responsible for scaling and sustaining the National DPP by:

- Increasing the number of delivery sites,
- developing delivery sites' capacity to obtain and maintain DPRP recognition,
- gaining sustainable support for delivery sites from insurance companies in the form of reimbursement, and
- actively educating employers and insurance companies about the cost effectiveness of including the lifestyle change program as a covered health benefit and reimbursing delivery sites on a pay-for-performance basis.

CDC proposes to assess program implementation among National DPP grantees using Excel data collection spreadsheets. This assessment/spreadsheet process is the formative and summative evaluation of the six grantees, and is just one of the several evaluations of National DPP activities; others include the DPRP Standards' measures and Program and Grants Office (PGO) annual grantee progress reports provided to CDC project officers.

The objective of this formative and summative evaluation of the National DPP is to collect additional information to identify program-level factors leading to successful implementation and best practices for achieving program sustainability and scalability at the community level. Informing the assessment (*i.e.,* the Excel data collection spreadsheet) is the Reach, Effectiveness, Adoption, Implementation, and Maintenance (RE–AIM) framework that National DPP grantees were provided as part of their funding opportunity announcement in 2012. The RE–AIM framework identifies pertinent questions around process and outcome measures that the Excel data collection spreadsheets are designed to answer.

CDC plans to distribute Excel data collection spreadsheets to all six grantees, who will, in turn, disseminate the spreadsheets to their community-level intervention sites. The estimated annualized number of intervention sites is 120.

Program coordinators at each intervention site will be asked to describe their intervention, identify barriers and facilitators to implementation, and identify resources used to deliver the lifestyle change programs via a site-level spreadsheet. Project directors and managers at the grantee organizations will be asked similar questions about resource use and implementation strategies via a grantee-level spreadsheet, but will also be asked to discuss elements related to the reach of their National DPP programs. CDC will use the information gained from the assessment to discern lessons learned and effective strategies around (1) expanding the reach and sustainability of the National DPP lifestyle change programs, (2) improving recruitment and retention efforts, (3) increasing referrals, and (4) securing sustained commitment among insurance providers and employers to either reimburse organizations providing the program or providing an employee benefit option for the program so it is accessible to individuals most in need of this intervention. Finally, CDC will use the information to inform the development of data-driven technical assistance for National DPP grantees and their intervention sites.

The estimated time burden per site for completion of a site-level spreadsheet is between 30 and 60 minutes, with an average of 45 minutes per spreadsheet per year. The estimated burden for a grantee is up to 12 hours to complete a grantee-level spreadsheet. This includes coordinating the collection of spreadsheets from their respective sites. Collectively, over the three-year clearance period being requested, the total burden estimate is based on 120 annualized responses from National DPP Intervention Sites (110 + 120 + 130/3) and 6 annualized responses from National DPP Grantees (6 + 6 + 6/3). OMB approval is requested for 3 years. All information will be collected electronically. Participation is voluntary and there are no costs to respondents other than their time.

The total estimated annualized burden hours are 162.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
National DPP Intervention Sites	Spreadsheet for National DPP Intervention Sites.	120	1	45/60
National DPP Grantees	Spreadsheet for National DPP Grantees	6	1	12

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–22672 Filed 9–8–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

Notification of Single Source Cooperative Agreement Awards

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

ACTION: Notice.

SUMMARY: The Center for Medicare and Medicaid Innovation (CMMI)/Seamless Care Models Group will issue a single-source, cooperative agreement award to three (3) grantees to test a data aggregation model that combines data from insurance companies and Medicare in support of an innovative payment and service delivery initiative.

FOR FURTHER INFORMATION CONTACT: Janel Jin, U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services, 7500 Security Blvd., Baltimore, MD 21244, Phone: (410) 786–1438.

SUPPLEMENTARY INFORMATION: Intended Recipients: Rise Health, The Health Collaborative, and My Health.

Purpose of Award: The Centers for Medicare & Medicaid Services (CMS) is authorized to test innovative payment

and service delivery models to reduce program expenditures under Medicare, Medicaid, and the Children's Health Insurance Program (CHIP) while preserving or enhancing the quality of care furnished to individuals under such programs. In October 2012, CMS launched the Comprehensive Primary Care (CPC) initiative as a multi-payer demonstration to test a model that fosters collaboration between public and private health insurance companies (''payers'') to strengthen primary care. The program includes 479 participating primary care practices and 38 participating payers across 7 regional areas within the United States. The CMS Innovation Center executed a Memorandum of Understanding (MOU) with each participating payer within the 7 regional areas covered by the program. One of the stated goals in the MOU is improving the flow of cost and utilization data to CPC primary care practices. The test model will aggregate multi-payer data for each primary care practice rather than practices receiving the data individually from each payer.

This single-source cooperative agreement award will allow the inclusion of Medicare data into the CPC multi-payer data model. The awardees will combine Medicare Fee-for-Service (FFS) data with utilization data from participating payers resulting in the creation of uniform and actionable reports to support physicians care coordination and quality improvement efforts.

Amount of the Award: There will be three (3) single-source, cooperative agreements awarded in the initial amount of $200,000–$450,000 per award for the first budget period. An award for a non-competing continuation at $200,000–$450,000 may be awarded for a period of 12 months.

Justification for Single Source Award: Commercial payers within the 7 regions have agreed to work together to improve data-sharing to the CPC practices. Each of the awardees currently maintain contracts with all of the CPC payers for data-sharing and have worked with the payers and practices to develop business requirements for the CPC multi-payer claims database system. If CMS were to award another source, the vendor would not be aggregating Medicare claims data with claims data from the regional payers, as each of the payers have selected the three entities of this award to perform this function. Doing so would undermine the CPC practices' ability to improve care and lower costs through care coordination and quality improvement and is counter to CMS's MOU with the payers. In conclusion, the only entities capable of providing the data aggregation services described are the three entities identified for the single-source awards.

Project Period: The anticipated period of performance for each cooperative agreement is 12 months from date of award with one continuation period of up to 12 months.

Provisions of the Notice: Title: Testing a Model of Data Aggregation under the Comprehensive Primary Care (CPC) Initiative.

CFDA Number: 93.646.

Estimated Award Date: September 12, 2015.

CMS has solicited proposal from Rise Health, The Health Collaborative, and My Health to include Medicare data into the multi-payer data model of the CPC initiative.

CMS requested the following to be submitted with each application:

1. Cover Letter
2. Project Abstract Summary
3. Project Narrative to address how the applicant will implement the cooperative agreement program in support of the goals of the Comprehensive Primary Care Initiative.
4. Budget Narrative
5. SF–424: Official Application for Federal Assistance
6. SF–424A: Budget Information Non-Construction
7. SF–424B: Assurances-Non-Construction Programs
8. SF–LLL: Disclosure of Lobbying Activities
9. Project Site Location Form(s) [as applicable]

Applications will be reviewed using the following evaluation criteria:

1. Proposed Approach—describe the development and implementation strategy for collecting and aggregating Medicare data with payer data from across the specified regions, including an anticipated timeline and activities associated with building the infrastructure needed to implement the project.

2. Organizational Capacity and Management Plan—demonstrates sufficient infrastructure and capacity to plan and implement the cooperative agreement activities and associated funding.

3. Evaluation and Reporting—overview of plans for quarterly reporting to CMS on the progress of the data aggregation activities funded under this cooperative agreement.

4. Budget and Budget Narrative—provide a detailed cost breakdown with explanations and justifications for the proposed cooperative agreement activities.

Authority: The CMS award is authorized under section 1115A of the Social Security Act, as added by Section 3021 of the Patient Protection and Affordable Care Act (P.L. 111–148) which permits the obligation of funding for CMS to design, implement, and evaluate innovative payment and service delivery models.

Dated: September 1, 2015.

Daniel F. Kane,

Director, Office of Acquisition and Grants Management, Centers for Medicare & Medicaid Services.

[FR Doc. 2015–22687 Filed 9–8–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Announcement of the Intent To Award a Single-Source Cooperative Agreement to the Gerontology Institute, University of Massachusetts Boston

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) announces the intent to award a single-source cooperative agreement in the amount of $75,000 to the Gerontology Institute, University of Massachusetts Boston (UMass Boston) to support and stimulate the expansion of work already underway by UMass Boston in providing pension counseling services to residents of the State of Illinois.

DATES: The award will be issued for a project period to run concurrently with the existing grantee's budget period of July 1, 2015 through June 30, 2016.

FOR FURTHER INFORMATION CONTACT: Valerie Soroka, Office of Elder Justice and Adult Protective Services, Administration on Aging, Administration for Community Living, 1 Massachusetts Avenue NW., Washington, DC 20001. Telephone: 202–357–3531; Email: *valerie.soroka@acl.hhs.gov*

SUPPLEMENTARY INFORMATION: The ACL's Pension Counseling & Information Program consists of six regional pension counseling projects, covering 29 states. The state of Illinois, with 6.4 million workers and a pension participation rate of 42%, is one of the largest states without an ACL-funded pension counseling project. The Pension Action Center at UMass Boston, which conducts ACL's New England Pension Assistance Project, is currently providing pension counseling services

to residents of Illinois with funding from the Retirement Research Foundation. Additional funds are needed to leverage the foundation's funding, in order to ensure that the current provision of services to Illinois residents will be continued. This supplementary funding would be provided for the approved period.

Authority: This program is authorized under Title II of the Older Americans Act (OAA) (42 U.S.C. 3032), as amended by the Older Americans Act Amendments of 2006, Public Law 109–365.

(Catalog of Federal Domestic Assistance 93.048).

Dated: August 14, 2015.

Kathy Greenlee,

Assistant Secretary for Aging and Administrator, Administration for Community Living.

[FR Doc. 2015–22630 Filed 9–8–15; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Announcement of the Intent To Award Single-Source Grants to the National Association of Area Agencies on Aging and the National Association of States United for Aging and Disabilities

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) announces the intent to award, subject to the availability of funds, single-source grant awards in the amount of $335,000 to the National Association of Area Agencies on Aging (n4a) and $153,500 to the National Association of State United for Aging and Disabilities (NASUAD). The awards will continue supporting and stimulating the ongoing work by these organizations to further develop and assist states and community-based organizations with building their business capacity for managed long-term services and supports and delivery system reform. CFDA Numbers: 93.048

DATES: The awards will be issued for a project period of September 30, 2015 through September 29, 2016.

FOR FURTHER INFORMATION CONTACT: Marisa Scala-Foley, Office of Integrated Care Innovations, Administration for Community Living, 1 Massachusetts Avenue NW., Washington, DC 20001. Telephone: 202–357–3516; Email: *Marisa.Scala-Foley@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: In 2012, n4a and NASUAD were awarded grants from ACL to build the business capacity of state and community-based aging and disability organizations for managed long-term services and supports (MLTSS). This one-year of grant funding, through continuation grant, will continue to support n4a and NASUAD in their efforts to:

- Identify and track emerging trends, best practices, barriers, lessons learned and progress in the aging and disability networks' integration into MLTSS and delivery system reform;
- increase state and community-based aging and disability organizations' capacity, readiness and involvement in the provision of MLTSS through the provision of broad-based and targeted technical assistance, education and training; and
- develop products that complement and enhance the first two areas of focus.

This program is authorized under the Older Americans Act of 1965, as amended in 2006, Public Law 109–365.

Dated: August 28, 2015.

Sharon Lewis,

Principal Deputy Administrator, Administration for Community Living.

[FR Doc. 2015–22631 Filed 9–8–15; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1213]

Use of Donor Screening Tests To Test Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products for Infection With *Treponema pallidum* (Syphilis); Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a document entitled ''Use of Donor Screening Tests to Test Donors of Human Cells, Tissues and Cellular and Tissue-Based Products for Infection with *Treponema pallidum* (Syphilis); Guidance for Industry.'' The guidance document provides establishments that make donor eligibility determinations for donors of human cells, tissues, and cellular and tissue-based products (HCT/P Establishments) with updated recommendations concerning donor testing for evidence of *Treponema pallidum* (*T. pallidum*) infection, the etiologic agent of syphilis. HCT/P Establishments must, as required under Federal regulations, test a donor specimen for evidence of *T. pallidum* infection using appropriate FDA-licensed, approved, or cleared donor screening tests, in accordance with the manufacturer's instructions, unless an exception to this requirement applies. The guidance clarifies that FDA does not consider diagnostic tests or pre-amendment devices (which have not been licensed, approved, or cleared) to be adequate for use in donor testing for *T. pallidum* infection under the criteria specified in Federal regulations. The guidance announced in this notice finalizes the draft guidance of the same title, dated October 2013. The recommendations in the guidance announced in this notice supersedes those recommendations for testing HCT/P donors for evidence of *T. pallidum* infection contained in the document entitled ''Guidance for Industry: Eligibility Determination for Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps),'' dated August 2007.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Paul E. Levine, Jr., Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Use of Donor Screening Tests to Test Donors of

Human Cells, Tissues and Cellular and Tissue-Based Products for Infection with *Treponema pallidum* (Syphilis); Guidance for Industry.'' The guidance document provides HCT/P Establishments with updated recommendations concerning donor testing for evidence of *T. pallidum* infection. HCT/P Establishments must, as required under § 1271.80(a) and (c) (21 CFR 1271.80(a) and (c)), test a donor specimen for evidence of infection due to *T. pallidum* using appropriate FDA-licensed, approved, or cleared donor screening tests, in accordance with the manufacturer's instructions, unless an exception to this requirement applies under 21 CFR 1271.90. The guidance clarifies that FDA does not consider diagnostic tests or pre-amendment devices (which have not been licensed, approved, or cleared) to be adequate for use in donor testing for *T. pallidum* infection under the criteria specified in § 1271.80(c). FDA will no longer exercise enforcement discretion that permits the use of diagnostic syphilis tests or pre-amendments devices for use as an HCT/P donor screening test because the wide availability of FDA-licensed, approved, or cleared test systems with an indication for use in donor screening no longer supports such enforcement discretion. FDA recommends that HCT/P Establishments implement the recommendations in the guidance as soon as feasible, but not later than 6 months after issuance of this guidance.

In the **Federal Register** of November 5, 2013 (78 FR 66366), FDA announced the availability of the draft guidance of the same title, dated October 2013. FDA received several comments on the draft guidance and those comments were considered as the guidance was finalized. FDA did not make changes to the recommendations in the draft guidance. FDA made editorial changes to improve clarity. The guidance announced in this notice finalizes the draft guidance dated October 2013.

In the **Federal Register** of February 28, 2007 (72 FR 9007), FDA announced the availability of the guidance entitled ''Guidance for Industry: Eligibility Determination for Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps),'' dated February 2007. FDA issued a revised version of this guidance under the same title, dated August 2007 (hereafter referred to as the 2007 Donor Eligibility guidance). The guidance announced in this notice supersedes the recommendations on compliance with the requirements for testing HCT/P donors for *T. pallidum* that are contained in the 2007 Donor Eligibility guidance.

The guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Use of Donor Screening Tests to Test Donors of Human Cells, Tissues and Cellular and Tissue-Based Products for Infection with *Treponema pallidum* (Syphilis); Guidance for Industry.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: September 2, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–22677 Filed 9–8–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Sixth Annual Coalition Against Major Diseases/Food and Drug Administration Scientific Workshop; Public Workshop; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of August 3, 2015 (80 FR 45998). That notice, announcing the sixth annual scientific workshop co-sponsored by FDA and the Coalition Against Major Diseases Consortium of the Critical Path Institute, contained incorrect Web links for online registration and for the FDA Meeting Information Page (where the workshop agenda will be made available) and an incorrect registration deadline. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Jacqueline Brooks-Leighton, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 21, Rm. 4521, Silver Spring, MD 20993, 240–402–5292, FAX: 301–796–9907, email: *jacqueline.brooks-leighton@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2015–18969, appearing on page 45998, in the **Federal Register** of Monday August 3, 2015, the following corrections are made:

On page 45998, in the second full paragraph of the third column, the registration link, *https://www.SignUp4.net/public/ap.aspx?EID=SIXT10E,* is corrected to read *http://www.cvent.com/events/6th-annual-coalition-against-major-diseases-food-and-drug-administration-scientific-workshop-public-/invitation-ed6c207cbf09447185a891e4bf62ad7a.aspx?i=70715ca1-f255-46b2-a370-3fe3881bbab2.*

On page 45998, in the third full paragraph of the third column, the registration deadline, October 14, 2015, is corrected to read October 13, 2015.

On page 45998, in the third full paragraph of the third column, the link for the FDA Meeting information page, *http://www.fda.gov/Drugs/NewsEvents/ucm410863.htm,* is corrected to read *http://www.fda.gov/Drugs/NewsEvents/ucm457486.htm.*

Dated: September 2, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–22674 Filed 9–8–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3015]

Use of Databases for Establishing the Clinical Relevance of Human Genetic Variants; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

The Food and Drug Administration (FDA) is announcing the following public workshop entitled ''Use of Databases for Establishing the Clinical Relevance of Human Genetic Variants.'' The purpose of this workshop is to obtain feedback on ways in which FDA can use curated databases containing information about human genetic variation as sources of valid clinical evidence for the Agency's oversight of the next-generation sequencing (NGS)-based in vitro diagnostic tests (IVDs). Comments and suggestions generated through this workshop will guide the development of best practices and regulatory standards for reliance on external curated databases.

Date and Time: The public workshop will be held on November 13, 2015, from 8 a.m.to 5 p.m.

Location: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, Rm. 1503 (the Great Room), Silver Spring, MD 20993. Entrance for the public meeting participants (non-FDA employees) is through Building 1, where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Contact Person: David Litwack, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4548, Silver Spring, MD 20993, 301–796–6697, email: *ernest.litwack@fda.hhs.gov.*

Registration: Registration is free and available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by 4 p.m. on October 30, 2015. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. If time and space permit, onsite registration on the day of the public workshop will be provided beginning at 7 a.m.

If you need special accommodations due to a disability, please contact Susan Monahan, 301–796–5661, email: *susan.monahan@fda.hhs.gov,* no later than 4 p.m. on October 29, 2015.

To register for the public workshop, please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.) Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone number. Those without Internet access should contact Susan Monahan to register. Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

Streaming Webcast of the Public Workshop: This public workshop will also be Webcast. Persons interested in viewing the Webcast must register online by October 30, 2015, at 4 p.m. Early registration is recommended because Webcast connections are limited. Organizations are requested to register all participants, but to view using one connection per location. Webcast participants will be sent technical system requirements after registration and will be sent connection access information after November 3, 2015. If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview.* (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Requests for Oral Presentations: This public workshop includes a public comment session. During online registration you may indicate if you wish to present during a public comment session, and which topics you wish to address. FDA has included general topics in this document which will be addressed in greater detail in a subsequent discussion paper (see **SUPPLEMENTARY INFORMATION**). FDA will do its best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation, or submit requests for designated representatives to participate in the focused sessions. All requests to make oral presentations must be received by October 26, 2015. FDA will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants by October 30, 2015. If selected for presentation, any presentation materials must be emailed to David Litwack (see *Contact Person*) no later than November 5, 2015, at 5 p.m. No commercial or promotional material will be permitted to be presented or distributed at the public workshop.

Comments: FDA is holding this public workshop to obtain feedback on how it may use databases that contain information linking human genetic variations to disease, where such information has been curated by qualified professionals, to inform regulatory oversight of the clinical performance of genetic tests. Specifically, the information gained from the workshop will be used to optimize FDA's regulatory approach for NGS-based IVDs. In order to permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop topics. The deadline for submitting comments related to this public workshop is November 25, 2015, at 4 p.m.

Regardless of attendance at the public workshop, interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. In addition, when responding to specific topics as described in section II of this document, please identify the topic you are addressing. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (see *Comments*). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. The Freedom of Information office address is available on the Agency's Web site at *http://www.fda.gov.* A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.)

SUPPLEMENTARY INFORMATION:

I. Background

IVDs, including laboratory-developed tests that utilize NGS technology to reveal information about an individual's genome, are rapidly becoming a major

driver of modern healthcare. As part of the White House's Precision Medicine Initiative, FDA is exploring a novel approach for NGS test regulation that includes leveraging well-curated databases of genetic variation to provide evidence about the clinical relevance of test results. To open this discussion, FDA drafted a discussion paper and held an open public workshop titled ''Optimizing FDA's Regulatory Oversight of Next Generation Sequencing Diagnostic Tests'' in February 2015 to discuss and receive feedback from the community on possible regulatory approaches to NGS-based diagnostic tests. (Workshop material, including the discussion paper, can be accessed at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/ucm427296.htm*.) The workshop announced in this document seeks to build on the feedback FDA received at the public workshop in February 2015. The Agency is therefore requesting public input on strategies for the regulatory use of databases for NGS tests that produce results on variation in the human genome.

II. Topics for Discussion at the Public Workshop

This public workshop will consist of brief presentations that will frame the goals of the workshop and interactive discussions of key topics with several panel sessions. Following the presentations and panel discussions, there will be a moderated discussion where participants will be asked to provide their individual perspectives. The workshop discussion will focus on the development, operation (including curation), and use of databases of genetic variants.

In advance of the meeting, FDA plans to post a discussion paper outlining FDA's most current thinking about the possible uses of databases of genetic variants for NGS test regulation and a summary of the issues FDA believes need consideration at the workshop at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*. (Select this public workshop from the posted events list.) FDA will place the discussion paper on file in the public docket (docket number found in brackets in the heading of this document) and will post it at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*. The deadline for submitting comments on this document for presentation at the public workshop is October 26, 2015, although comments related to this document can be submitted until November 25, 2015. A detailed agenda will be posted on this Web site in advance of the workshop.

Dated: September 2, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–22675 Filed 9–8–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–2881]

Standards-Based Approach to Analytical Performance Evaluation of Next Generation Sequencing in Vitro Diagnostic Tests; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following public workshop entitled ''Standards-Based Approach to Analytical Performance Evaluation of Next Generation Sequencing In Vitro Diagnostic Tests''. The purpose of this workshop is to obtain feedback on possible analytical standards and approaches to develop or build on existing standardization efforts in order to optimize FDA's regulatory approach to next generation sequencing (NGS)-based in vitro diagnostic tests. Comments and suggestions generated through this workshop will also guide the use of regulatory science to advance the development of appropriate and relevant performance standards for evaluation of NGS in vitro diagnostic tests that produce results on variation in the human genome.

DATES: *Date and Time:* The public workshop will be held on November 12, 2015, from 8 a.m. to 5 p.m.

ADDRESSES: *Location:* The public workshop will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm*.

FOR FURTHER INFORMATION CONTACT: *Contact Person:* Zivana Tezak, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4544, Silver Spring, MD 20993, 301–796–6206, *zivana.tezak@fda.hhs.gov*.

Registration: Registration is free and available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by 4 p.m. on October 30, 2015. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. If time and space permits, onsite registration on the day of the public workshop will be provided beginning at 7 a.m.

If you need special accommodations due to a disability, please contact Susan Monahan, 301–796–5661, *susan.monahan@fda.hhs.gov*, no later than 4 p.m. on October 29, 2015.

To register for the public workshop, please visit FDA's Medical Devices News, Events, Workshops and Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*. (Select this public workshop from the posted events list.) Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone number. Those without Internet access should contact Susan Monahan to register. Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

Streaming Webcast of the Public Workshop: This public workshop will also be Webcast. Persons interested in viewing the Webcast must register online by October 30, 2015, at 4 p.m. Early registration is recommended because Webcast connections are limited. Organizations are requested to register all participants, but to view using one connection per location. Webcast participants will be sent technical system requirements after registration and will be sent connection access information after November 3, 2015. If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm*. To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview*. (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Requests for Oral Presentations: This public workshop includes a public comment session. During online registration you may indicate if you wish to present during a public comment session, and which topics you wish to address. FDA has included general topics in this document which will be addressed in greater detail in a subsequent discussion paper (see **SUPPLEMENTARY INFORMATION**). FDA will do its best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation, or submit requests for designated representatives to participate in the focused sessions. All requests to make oral presentations must be received by October 26, 2015. FDA will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants by October 30, 2015. If selected for presentation, any presentation materials must be emailed to Živana Tezak (see *Contact Person*) no later than November 5, 2015, at 5 p.m. No commercial or promotional material will be permitted to be presented or distributed at the public workshop.

Comments: FDA is holding this public workshop to obtain feedback on possible analytical standards and approaches to develop or build on existing standardization efforts in order to optimize FDA's regulatory approach to NGS-based in vitro diagnostic tests. In order to permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop topics. The deadline for submitting comments related to this public workshop is November 25, 2015, at 4 p.m.

Regardless of attendance at the public workshop, interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. In addition, when responding to specific topics as described in section II of this document, please identify the topic you are addressing. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov*. It may be viewed at the Division of Dockets Management (see *Comments*). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. The Freedom of Information office address is available on the Agency's Web site at *http://www.fda.gov*. A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*. (Select this public workshop from the posted events list.)

SUPPLEMENTARY INFORMATION:

I. Background

In vitro diagnostic devices, including laboratory-developed tests, that utilize NGS technology to generate information on an individual's genome are rapidly transforming healthcare. As part of the White House's Precision Medicine Initiative, FDA envisions implementing a novel framework for NGS test regulation that includes developing sufficiently flexible assay performance standards that can accommodate innovation, including test modifications, while assuring NGS test safety and effectiveness. To start this discussion, FDA drafted a discussion paper and held an open public workshop titled ''Optimizing FDA's Regulatory Oversight of Next Generation Sequencing Diagnostic Tests'' in February 2015 to discuss and receive feedback from the community on possible regulatory approaches to NGS-based diagnostic tests. Workshop material including the discussion paper can be accessed at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/ucm427296.htm*. The workshop announced in this document seeks to build on the feedback FDA received at the public workshop in February 2015, with a goal to assess standard needs, propose performance standard content, and help in the development of the standards necessary for this effort. The Agency is therefore requesting public input on the proposed standards-based regulatory strategy for NGS tests that produce results on variation in the human genome.

II. Topics for Discussion at the Public Workshop

This public workshop will consist of brief presentations to provide information to frame the goals of the workshop and interactive discussions via several panel sessions. Following the presentations, there will be a moderated discussion where participants and additional panelists will be asked to provide their individual perspectives. The workshop discussion will focus on standards-based regulatory strategies to assure the analytical validity of NGS tests that produce results on variation in the human genome.

The presentations and discussions will focus on several topics, including an example of a possible performance standard (methods) focusing on a single intended use; a general framework and architecture for standard needs, including currently existing guidelines and standards to be developed; and possible different approaches.

In advance of the meeting, FDA plans to post a white paper outlining FDA's most current thinking for a standards-based approach to analytical performance evaluation of NGS diagnostic tests and a summary of the issues FDA believes need consideration at the workshop at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*. (Select this public workshop from the posted events list.) FDA will place the discussion paper on file in the public docket (docket number found in brackets in the heading of this document) and will post it at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm*. The deadline for submitting comments on this document for presentation at the public workshop is October 26, 2015, although comments related to this document can be submitted until November 25, 2015. A detailed agenda will be posted on this Web site in advance of the workshop.

Dated: September 2, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–22676 Filed 9–8–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Psychopharmacologic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Psychopharmacologic Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on December 1, 2015, from 8 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

Contact Person: Kalyani Bhatt, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: *PDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss the efficacy and safety data for new drug application (NDA) 21164, gepirone hydrochloride extended-release tablets, submitted by Fabre-Kramer Pharmaceuticals, Inc., for the proposed indication of major depressive disorder.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 23, 2015. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 13, 2015. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 16, 2015.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Kalyani Bhatt at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 2, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015–22593 Filed 9–8–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–P–0248]

Determination That GLUCAGON (Glucagon Hydrochloride) for Injection, Equivalent to 1 Milligram Base/Vial and Equivalent to 10 Milligram Base/Vial, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that GLUCAGON (glucagon hydrochloride) for injection, equivalent to (EQ) 1 milligram (mg) base/vial and EQ 10 mg base/vial, was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for glucagon hydrochloride for injection, EQ 1 mg base/vial and EQ 10 mg base/vial, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Daniel Orr, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6206, Silver Spring, MD 20993, 240–402–0979.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

GLUCAGON (glucagon hydrochloride) for injection, EQ 1 mg base/vial and EQ 10 mg base/vial, is the subject of NDA 12–122 held by Eli Lilly, and initially approved onNovember 14, 1960. GLUCAGON is indicated for treatment of severe hypoglycemia and as a diagnostic aid in the radiologic examination of the stomach, duodenum, small bowel, and colon.

Under NDA 12–122, GLUCAGON (glucagon hydrochloride) for injection, EQ 1 mg base/vial and EQ 10 mg base/vial, was produced from animal sources. On September 11, 1998, FDA approved Eli Lilly's NDA 20–928 for GLUCAGON (glucagon rDNA origin), 1mg/vial. Subsequently, Eli Lilly discontinued sales of animal-sourced GLUCAGON in 2002. In 2005, FDA moved animal-sourced GLUCAGON (glucagon hydrochloride) for injection, EQ 1 mg base/vial and EQ 10 mg base/vial, to the ''Discontinued Drug Product List'' section of the Orange Book.

Walter G. Jump, on behalf of Cornerstone Regulatory, submitted a citizen petition dated August 7, 2007 (Docket No. FDA–2007–P–0248), under 21 CFR 10.30, requesting that the Agency determine whether animal-sourced GLUCAGON (glucagon hydrochloride) for injection, EQ 1 mg base/vial and EQ 10 mg base/vial, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition, reviewing Agency records, and based on the information we have at this time, FDA has determined under § 314.161 that GLUCAGON (glucagon hydrochloride) for injection, EQ 1 mg base/vial and EQ 10 mg base/vial, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that GLUCAGON (glucagon hydrochloride) for injection, EQ 1 mg base/vial and EQ 10 mg base/vial, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal from sale of GLUCAGON (glucagon hydrochloride) for injection, EQ 1 mg base/vial and EQ 10 mg base/vial. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have reviewed the available evidence and determined that the product was not withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list GLUCAGON (glucagon hydrochloride) for injection, EQ 1 mg base/vial and EQ 10 mg base/vial, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to GLUCAGON (glucagon hydrochloride) for injection, EQ 1 mg base/vial and EQ 10 mg base/vial, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. However, it is the Agency's view that it would be challenging for a prospective applicant to provide adequate data to meet the statutory requirements for an ANDA that relies on NDA 12–122 for GLUCAGON (glucagon hydrochloride) for injection in the absence of comparative data with the animal-sourced glucagon approved in NDA 12–122.

Dated: September 2, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–22673 Filed 9–8–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1039]

Nonclinical Evaluation of Endocrine-Related Drug Toxicity; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry entitled ''Nonclinical Evaluation of Endocrine-Related Drug Toxicity.'' The purpose of this guidance is to clarify when additional studies are warranted after the standard toxicology tests have been conducted and there is a signal for potential adverse endocrine-related toxicity. This guidance finalizes the draft guidance entitled ''Endocrine Disruption Potential of Drugs: Nonclinical Evaluation'' issued on September 20, 2013.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Abby Jacobs, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg., 22, Rm. 6474, Silver Spring, MD 20993–0002, 301–796–0174.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Nonclinical Evaluation of Endocrine-Related Drug Toxicity.'' This guidance focuses on nonclinical testing designed to assess the potential for a drug to cause endocrine effects that are

unintentional and adverse. The standard comprehensive test battery is generally sufficient to identify endocrine-related toxicity. Depending on the outcome of a standard battery of nonclinical tests, additional nonclinical studies may be warranted to more fully characterize the endocrine-related toxicity potential of a drug.

This guidance finalizes the draft guidance entitled ''Endocrine Disruption Potential of Drugs: Nonclinical Evaluation'' issued on September 20, 2013 (78 FR 57859). Revisions to the draft guidance address public comments and try to give more clarity regarding when additional studies could be appropriate.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on nonclinical evaluation of endocrine-related drug toxicity. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: September 3, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–22683 Filed 9–8–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0221]

Formal Dispute Resolution: Appeals Above the Division Level; Revised Draft Guidance for Industry and Review Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a revised draft guidance for industry and review staff entitled ''Formal Dispute Resolution: Appeals Above the Division Level.'' This guidance is intended to provide recommendations for industry and review staff on the procedures in the Center for Drug Evaluation and Research (CDER) and Center for Biologics Evaluation and Research (CBER) for resolving scientific and/or medical disputes that cannot be resolved at the division level. This guidance describes procedures for formally appealing such disputes to the office or center level and providing information to assist FDA officials in resolving the issue(s) presented. This draft guidance revises the draft guidance of the same name issued March 13, 2013.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this revised draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by December 8, 2015.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the revised draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Khushboo Sharma, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6468, Silver Spring, MD 20993–0002, 301–796–0700; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a revised draft guidance for industry and review staff entitled ''Formal Dispute Resolution: Appeals Above the Division Level.'' In the course of the review of applications for user fee products, a wide variety of scientific and/or medical issues are discussed that are critical to a sponsor's drug product development program. Sometimes, a sponsor may disagree with the Agency on a matter, and a dispute arises. Because these disputes often involve complex scientific and/or medical matters, it is critical that there be procedures in place to help ensure open, prompt discussion of such disputes. The procedures and policies described in this guidance are intended to promote rapid resolution of scientific and/or medical disputes between sponsors and CDER or CBER.

This draft guidance revises the draft guidance of the same name issued March 13, 2013 (78 FR 15955). Based on the docket comments for the draft guidance as well as on its own initiative, FDA made the following changes. The scope of the guidance was expanded to include formal dispute resolution requests for human drug applications covered under the Biosimilar User Fee Act of 2012. Additionally, certain areas were revised to provide more clarity, such as when a matter is and is not appropriate for a formal dispute resolution request, and information to include in the supporting background information. Also, this guidance clarifies that CDER and CBER intend to manage formal requests for appeals of scientific and/or medical

disputes related to an application for a user fee product under any of the available regulatory mechanisms (*i.e.,* 21 CFR 10.75, 312.48(c), 314.103(c)), through the formal dispute resolution process.

This revised draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on formal dispute resolution requests for appeals above the division level. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This revised draft guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in this draft guidance have been approved under OMB control number 0910–0430. This draft guidance is a revision of an earlier version of the guidance. The revised version contains no additional information collections; therefore, it continues to be covered under OMB control number 0910–0430.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/Drugs/GuidanceCompliance RegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceCompliance RegulatoryInformation/default.htm,* or *http://www.regulations.gov.*

Dated: September 2, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–22678 Filed 9–8–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0908]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Clinical Trial Sponsors: Establishment and Operation of Clinical Trial Data Monitoring Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 9, 2015.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0581. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Clinical Trial Sponsors: Establishment and Operation of Clinical Trial Data Monitoring Committees

OMB Control Number 0910–0581—Extension

Sponsors are required to monitor studies evaluating new drugs, biologics, and devices (21 CFR 312.50 and 312.56 for drugs and biologics and 21 CFR 812.40 and 812.46 for devices). Various individuals and groups play different roles in clinical trial monitoring. One such group is a data monitoring committee (DMC), appointed by a sponsor to evaluate the accumulating outcome data in some trials. A clinical trial DMC is a group of individuals with pertinent expertise that reviews on a regular basis accumulating data from one or more ongoing clinical trials. The DMC advises the sponsor regarding the continuing safety of current trial subjects and those yet to be recruited to the trial, as well as the continuing validity and scientific merit of the trial.

The guidance document referenced in this document is intended to assist sponsors of clinical trials in determining when a DMC is needed for monitoring a study, and how such committees should operate. The guidance addresses the roles, responsibilities, and operating procedures of DMCs, describes certain reporting and recordkeeping responsibilities, including the following: (1) Sponsor reporting to FDA on DMC recommendations related to safety; (2) standard operating procedures (SOPs) for DMCs; (3) DMC meeting records; (4) sponsor notification to the DMC regarding waivers; and (5) DMC reports based on meeting minutes to the sponsor.

1. Sponsor Reporting to FDA on DMC Recommendations Related to Safety

The requirement of the sponsor to report DMC recommendations related to serious adverse events in an expedited manner in clinical trials of new drugs (21 CFR 312.32(c)) would not apply when the DMC recommendation is related to an excess of events not classifiable as serious. Nevertheless, the Agency recommends in the guidance that sponsors inform FDA about all recommendations related to the safety of the investigational product whether or not the adverse event in question meets the definition of ''serious.''

2. SOPs for DMCs

In the guidance, FDA recommends that sponsors establish procedures to do the following things:

- Assess potential conflicts of interest of proposed DMC members;
- Ensure that those with serious conflicts of interest are not included in the DMC;
- Provide disclosure to all DMC members of any potential conflicts that are not thought to impede objectivity and, thus, would not preclude service on the DMC;

- Identify and disclose any concurrent service of any DMC member on other DMCs of the same, related, or competing products;
- Ensure separation, and designate a different statistician to advise on the management of the trial, if the primary trial statistician takes on the responsibility for interim analysis and reporting to the DMC; and
- Minimize the risks of bias that are associated with an arrangement under which the primary trial statistician takes on the responsibility for interim analysis and reporting to the DMC, if it appears infeasible or highly impractical for any other statistician to take over responsibilities related to trial management.

3. DMC Meeting Records

The Agency recommends in the guidance that the DMC or the group preparing the interim reports to the DMC maintain all meeting records. This information should be submitted to FDA with the clinical study report (21 CFR 314.50(d)(5)(ii)).

4. Sponsor Notification to the DMC Regarding Waivers

The sponsor must report to FDA certain serious and unexpected adverse events in drugs and biologics trials (§ 312.32) and unanticipated adverse device effects in the case of device trials (21 CFR 812.150(b)(1)). The Agency recommends in the guidance that sponsors notify DMCs about any waivers granted by FDA for expedited reporting of certain serious events.

5. DMC Reports of Meeting Minutes to the Sponsor

The Agency recommends in the guidance that DMCs should issue a written report to the sponsor based on the DMC meeting minutes. Reports to the sponsor should include only those data generally available to the sponsor. The sponsor may convey the relevant information in this report to other interested parties, such as study investigators. Meeting minutes or other information that include discussion of confidential data would not be provided to the sponsor.

Description of Respondents: The submission and data collection recommendations described in this document affect sponsors of clinical trials and DMCs.

Burden Estimate: Table 1 provides the burden estimate of the annual reporting burden for the information to be submitted in accordance with the guidance. Table 2 provides the burden estimate of the annual recordkeeping burden for the information to be maintained in accordance with the guidance. Table 3 provides the burden estimate of the annual third-party disclosure burden for the information to be submitted in accordance with the guidance.

Reporting, Recordkeeping, and Third-Party Disclosure Burdens: Based on information from FDA review divisions, FDA estimates there are approximately 740 clinical trials with DMCs regulated by the Center for Biologics Evaluation and Research, the Center for Drug Evaluation and Research, and the Center for Devices and Radiological Health. FDA estimates that the average length of a clinical trial is 2 years, resulting in an annual estimate of 370 clinical trials. Because FDA has no information on which to project a change in the use of DMCs, FDA estimates that the number of clinical trials with DMCs will not change significantly. For purposes of this information collection, FDA estimates that each sponsor is responsible for approximately 10 trials, resulting in an estimated 37 sponsors that are affected by the guidance annually.

Based on information provided to FDA by sponsors that have typically used DMCs for the kinds of studies for which this guidance recommends them, FDA estimates that the majority of sponsors have already prepared SOPs for DMCs, and only a minimum amount of time is necessary to revise or update them for use for other clinical studies. FDA receives very few requests for waivers regarding expedited reporting of certain serious events; therefore, FDA has estimated one respondent per year to account for the rare instance a request may be made. Based on FDA's experience with clinical trials using DMCs, FDA estimates that the sponsor on average would issue two interim reports per clinical trial to the DMC. FDA estimates that the DMCs would hold two meetings per year per clinical trial resulting in the issuance of two DMC reports of meeting minutes to the sponsor. One set of both of the meeting records should be maintained per clinical trial.

The ''Average Burden per Response'' and ''Average Burden per Recordkeeping'' are based on FDA's experience with comparable recordkeeping and reporting provisions applicable to FDA regulated industry. The ''Average Burden per Response'' includes the time the respondent would spend reviewing, gathering, and preparing the information to be submitted to the DMC, FDA, or the sponsor. The ''Average Burden per Recordkeeping'' includes the time to record, gather, and maintain the information.

The information collection provisions in the guidance for 21 CFR 312.30, 312.32, 312.38, 312.55, and 312.56 have been approved under OMB control number 0910–0014; § 314.50 has been approved under OMB control number 0910–0001; and 21 CFR 812.35 and 812.150 have been approved under OMB control number 0910–0078.

In the **Federal Register** of March 27, 2015 (80 FR 16402), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Section of guidance/reporting activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
5. Sponsor reporting to FDA on DMC recommendations related to safety.	37	1	37	0.5 (30 min.)	18.5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Section of guidance/recordkeeping activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
4.1. and 6.4 SOPs for DMCs	37	1	37	8	296
4.4.3.2. DMC meeting records	370	1	370	2	740
Total					1,036

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Section of guidance/disclosure activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
4.4.1.2. Sponsor notification to the DMC regarding waivers.	1	1	1	0.25 (15 minutes)	0.25
4.4.3.2. DMC reports of meeting minutes to the sponsor.	370	2	740	1	740
Total					740.25

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 3, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–22680 Filed 9–8–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Nominations to the Presidential Advisory Council on HIV/AIDS

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice.

SUMMARY: The Office of the Assistant Secretary for Health (OASH) is seeking nominations of qualified individuals to be considered for appointment as members of the Presidential Advisory Council on HIV/AIDS (PACHA). The PACHA is a federal advisory committee within the Department of Health and Human Services (HHS). Management support for the activities of this Council is the responsibility of the OASH. The qualified individuals will be nominated to the Secretary of Health and Human Services for consideration for appointment as members of the PACHA. Members of the Council, including the Chair, are appointed by the Secretary. Members are invited to serve on the Council for up to four-year terms. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies intended to promote effective prevention and care of HIV disease and AIDS. The functions of the Council are solely advisory in nature.

DATES: All nominations must be received no later than 5:00 p.m. (ET) on October 9, 2015 at the address listed below.

ADDRESSES: All nominations should be mailed or delivered to Ms. B. Kaye Hayes, Executive Director, PACHA, Department of Health and Human Services, Office of HIV/AIDS and Infectious Disease Policy, 200 Independence Avenue SW., Room 443–H, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Ms. Caroline Talev, Public Health Analyst, Presidential Advisory Council on HIV/AIDS, Department of Health and Human Services, 200 Independence Avenue SW., Room 443–H, Hubert H. Humphrey Building, Washington, DC 20201; (202) 205–1178. More detailed information about PACHA can be obtained by accessing the Council's page at the AIDS.gov Web site at *www.aids.gov/pacha.*

SUPPLEMENTARY INFORMATION: PACHA was established by Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies intended to promote effective prevention and care of HIV disease and AIDS. The functions of the Council are solely advisory in nature.

The Council consists of not more than 25 members. Council members are selected from prominent community leaders with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. Council members are appointed by the Secretary or designee, in consultation with the White House Office on National AIDS Policy. Pursuant to advance written agreement, Council members shall receive no stipend for the advisory service they render as members of PACHA. However, as authorized by law and in accordance with federal travel regulations, PACHA members may receive per diem and reimbursement for travel expenses incurred in relation to performing duties for the Council.

This announcement is to solicit nominations of qualified candidates to fill current vacancies on the PACHA.

Nominations: In accordance with the PACHA charter, persons nominated for appointment as members of the PACHA should be among prominent community leaders and authorities with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. The following information should be included in the package of material submitted for each individual being nominated for consideration of appointment:

- Name, return address, daytime telephone number, and affiliation(s) of

the individual being nominated, the basis for the individual's nomination, and a statement bearing an original signature of the nominated individual that, if appointed, he or she is willing to serve as a member of the Council;

• Name, return address, and daytime telephone number at which the nominator may be contacted. Nominations from organizations must identify a principal contact person; and a

• Copy of a current resume or curriculum vitae for the nominated individual.

Individuals can nominate themselves for consideration of appointment to the Council. All nominations must include the required information. Incomplete nominations will not be processed for consideration. The letter from the nominator and certification of the nominated individual must bear original signatures; reproduced copies of these signatures are not acceptable.

The Department is legally required to ensure that the membership of HHS federal advisory committees is fairly balanced in terms of points of view represented and the functions to be performed by the advisory committee. Every effort is made to ensure that the views of women, all ethnic and racial groups, and people with disabilities are represented on HHS federal advisory committees and, therefore, the Department encourages nominations of qualified candidates from these groups. The Department also encourages geographic diversity in the composition of the Council. Appointment to the Council shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status. The Standards of Ethical Conduct for Employees of the Executive Branch are applicable to individuals who are appointed as members of the Council. Individuals being considered for appointment as public voting members will be required to complete and submit a report of their financial holdings. An ethics review must be conducted to ensure that individuals appointed as members of PACHA are not involved in any activity that may pose a potential conflict of interest for the official duties that are to be performed.

Dated: August 24, 2015.

B. Kaye Hayes,

Executive Director, Presidential Advisory Council on HIV/AIDS.

[FR Doc. 2015–22610 Filed 9–8–15; 8:45 am]

BILLING CODE 4150–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Announcement of Public Consultation on Antimicrobial Resistance Rapid, Point-of-Care Diagnostic Test Challenge

Authority: 15 U.S.C. 3719.

SUMMARY: The U.S. Department of Health and Human Services (HHS) intends to hold a prize competition in which up to $20 million will be made available, subject to the availability of funds, for the delivery of one or more successful rapid point-of-care diagnostics that may be used by health care providers to identify bacterial infections. The National Institutes of Health (NIH) and the Biomedical Advanced Research and Development Authority (BARDA) are sponsoring the prize competition and will convene a public consultation to seek comments regarding the technical criteria and performance characteristics of the diagnostic(s) for which the prize(s) will be offered.

DATES: The public consultation will be held on October 7, 2015, 8:30 a.m. to 3:30 p.m. PDT. Written comments can be submitted to the *https://www.challenges.gov* Web site for this competition beginning on October 1 at 8:30 a.m. EDT to October 6, 2015 at 5:00 p.m. EDT.

ADDRESSES: The public consultation will be held at the Marriott Marquis San Diego Marina, 333 West Harbor Drive, San Diego, California, 92101.

FOR FURTHER INFORMATION CONTACT: Robert W. Eisinger, Ph.D., National Institutes of Health, Division of Program Coordination, Planning, and Strategic Initiatives, Telephone: 301–496–2229, Email: *Robert.eisinger@nih.gov.*

SUPPLEMENTARY INFORMATION: On September 18, 2014, the President issued Executive Order 13676 on Combating Antibiotic-Resistant Bacteria (*https://www.whitehouse.gov/the-press-office/2014/09/18/executive-order-combating-antibiotic-resistant-bacteria*) and the Antimicrobial Resistance Challenge was called for in the accompanying White House Fact Sheet *https://www.whitehouse.gov/the-press-office/2014/09/18/fact-sheet-obama-administration-takes-actions-combat-antibiotic-resistan*). The development and use of rapid, point-of-care, and innovative diagnostic tests for identification and characterization of resistant bacteria was a goal identified in the National Strategy for Combating Antibiotic-Resistant Bacteria released in September 2014 (*https://www.whitehouse.gov/sites/default/files/docs/carb_national_strategy.pdf*) and addressed in the National Action Plan for Combating Antibiotic-Resistant Bacteria released in March 2015 (*https://www.whitehouse.gov/sites/default/files/docs/national_action_plan_for_combating_antibotic-resistant_bacteria.pdf*).

In conformance to the above documents, the NIH and BARDA are sponsoring a prize competition, and the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) are contributing technical and regulatory expertise to develop the award evaluation process.

The aim of the prize competition is to incentivize the development of one or more *in vitro* diagnostic tests that would be of significant clinical and public health utility to combat the development and spread of antibiotic resistant bacteria. For example, such a diagnostic test could be used by health care providers to identify bacterial infections in patients to help guide their decisions about the necessity of prescribing antibiotics, and if so, which antibiotics may be effective—thus promoting antibiotic stewardship. Another important diagnostic use could be to facilitate clinical trials for new antibacterial products by allowing for the enrichment of patient populations with specific infections, thus advancing the development of new antibacterial agents. The prize-winning diagnostic(s) must exhibit a set of predefined technical criteria and performance characteristics based on the intended use(s).

When exercising prize authority under the America COMPETES Act (*http://www.gpo.gov/fdsys/pkg/PLAW–111publ358/html/PLAW–111publ358.htm*), agencies are to ''consult widely both within and outside the federal Government'' when developing prize competitions. As such, HHS is seeking input from the medical, public health, and scientific communities; the pharmaceutical and medical diagnostic sectors; patients and other advocacy groups; and the public at-large in order to receive broad input on the type(s) of diagnostic(s) that may be developed in an appropriate time frame to be of significant utility in combating the development and spread of antibiotic resistant bacteria.

HHS has previously issued a Request for Information (RFI) to obtain comments on several topics as they pertain to a rapid, point-of-care diagnostic test(s) that could be developed in an appropriate time frame to be of significant clinical and public

health utility in combating the development and spread of antibiotic resistant bacteria. A prioritized list of 18 bacteria of highest concern can be found in Table 3 of the National Action Plan (*https://www.whitehouse.gov/sites/default/files/docs/national_action_plan_for_combating_antibotic-resistant_bacteria.pdf*). Input received from the RFI and during the public consultation will be used by HHS to develop the technical criteria and performance characteristics of the diagnostic(s) for which the prize(s) will be offered. The design of the Challenge will take into account previous guidance obtained in the aforementioned National Strategy and National Action Plan to combat antibiotic resistant bacteria.

The agenda of the public consultation meeting will be devoted to presentations and discussions on the objectives and criteria for the antimicrobial diagnostic challenge competition. Presentations will focus on the need for rapid diagnostics to address antimicrobial resistance; development and use of rapid diagnostics for drug resistant microorganisms; pathogen/resistance markers identification versus phenotypic susceptibility; antibiotic stewardship in the clinical setting; and regulatory perspectives on rapid diagnostic development.

Any interested person may submit written comments to be considered during the public consultation to the discussion board for this Challenge accessible on *https://www.challenge.gov.* This statement should include your name, address, telephone number and when applicable, the business or professional affiliation. Written comments can be submitted from October 1, 2015 at 8:30 a.m. EDT to October 6, 2015 at 5:00 p.m. EDT.

This web-based discussion board also provides an open forum for discussion of this prize competition. The online community is open to the public and will allow for a broad and interactive discussion of the topics covered by this public consultation. This platform will allow users to submit ideas about a desired diagnostic test and to comment on the ideas that have been submitted by others.

Dated: September 1, 2015.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2015–22690 Filed 9–8–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute 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 Cancer Institute Special Emphasis Panel; NCI Omnibus R03 & R21 SEP–8.

Date: October 27–28, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Yisong Wang, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W240, Rockville, MD 20850, 240–276–7157, *yisong.wang@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Omnibus R03 & R21 SEP–11.

Date: October 29, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hilton Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Reed A. Graves, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W264, Rockville, MD 20850, 240–276–6384, *gravesr@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Omnibus R03 & R21 SEP–3.

Date: November 5–6, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Viatcheslav A. Soldatenkov, MD, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W254, Bethesda, MD 20892, 240–276–6378, *soldatenkovv@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Omnibus R03 & R21 SEP–1.

Date: November 9–10, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hilton Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Zhiqiang Zou, MD, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W242, Bethesda, MD 20892–8328, 240–276–6372, *zouzhiq@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 3, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–22659 Filed 9–8–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity.

Date: September 30, 2015.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK DEM Fellowship Grant Review.

Date: October 4–6, 2015.

Time: 6 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.

Contact Person: Carol J. Goter-Robinson, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; R13 Conference Applications.

Date: October 8, 2015.

Time: 11 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Fellowships in Digestive Diseases and Nutrition.

Date: October 13–14, 2015.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, DC 20036.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; DDK–C Conflicts.

Date: October 13, 2015.

Time: 4 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, DC 20036.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 760, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Limited Competition for the Continuation of Look AHEAD.

Date: October 20, 2015.

Time: 3 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Ancillary Studies to the NIDDK IBDGC.

Date: November 10, 2015.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jason D. Hoffert, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 741A, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–496–9010, *hoffertj@niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 2, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–22618 Filed 9–8–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Clinical Aging Review Committee.

Date: October 1–2, 2015.

Time: 4:30 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alicja L. Markowska, Ph.D., DSC, National Institute on Aging, National Institutes of Health, Gateway Building 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 3, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–22661 Filed 9–8–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed 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 on Aging Special Emphasis Panel; Agitation in Alzheimer's.

Date: October 1, 2015.

Time: 3:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jeannette L. Johnson, Ph.D., National Institutes on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7705, *JOHNSONJ9@NIA.NIH.GOV.*

Name of Committee: National Institute on Aging Special Emphasis Panel; MIND Diet.

Date: October 1, 2015.

Time: 3:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jeannette L. Johnson, Ph.D., National Institutes on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7705, *JOHNSONJ9@NIA.NIH.GOV*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 3, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–22660 Filed 9–8–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Aging Special Emphasis Panel, October 26, 2015, 8:00 a.m. to October 26, 2015, 5:00 p.m., Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD, 20814 which was published in the **Federal Register** on August 31, 2015, 80 FR 52483.

The meeting notice is amended to add the meeting panel name: Training Grants in Aging. The meeting is closed to the public.

Dated: September 3, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–22662 Filed 9–8–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel; Peer Review of Support of Competitive Research (SCORE) Applications.

Date: October 9, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Shinako Takada, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12M, Bethesda, MD 20892, 301–594–2704, *shinako.takada@.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review COBRE III Grant Applications.

Date: October 21, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Nina Sidorova, Ph.D. Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12K, Bethesda, MD 20892, 301–402–2783, *sidorova@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: September 3, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–22658 Filed 9–08–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: September 29, 2015.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Conference Room 4H100, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Jay R. Radke, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3G11B, National Institutes of Health, NIAID, 5601 Fishers Lane MSC–9823, Bethesda, MD 20892–9823, (240) 669–5046, *jay.radke@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: September 30, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Conference Room 3C100, 5601 Fishers Lane, Rockville, MD 20892, Telephone Conference Call).

Contact Person: Thomas F. Conway, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activates, Room 3G51, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–507–9685, *thomas.conway@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 2, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–22586 Filed 9–8–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurodegeneration Diseases, Multiple Sclerosis, and Viruses.

Date: September 24, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Samuel C Edwards, Ph.D., IRG CHIEF, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–13–185: Image-Guided Drug Delivery in Cancer.

Date: October 1, 2015.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, 301–435–0484, *mohsenim@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative and Clinical Endocrinology and Reproduction Study Section.

Date: October 7–8, 2015.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular Neuropharmacology and Signaling Study Section.

Date: October 8–9, 2015.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Deborah L Lewis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–408–9129, *lewisdeb@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Neurodegeneration Study Section.

Date: October 8–9, 2015.

Time: 8:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–435–1203, *taupenol@csr.nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Tumor Microenvironment Study Section.

Date: October 13–14, 2015.

Time: 8:00 a.m. to 5:00 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: Angela Y Ng, Ph.D., MBA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6200, MSC 7804, Bethesda, MD 20892, 301–435–1715, *ngan@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation: Electron Microscopy.

Date: October 13, 2015.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Savvas Makrides, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 2200, Bethesda, MD 20892, 301–435–2514, *makridessc@mail.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiac Contractility, Hypertrophy, and Failure Study Section.

Date: October 14–15, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, DC 20036.

Contact Person: Olga A Tjurmina, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4030B, MSC 7814, Bethesda, MD 20892, (301) 451–1375, *ot3d@nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Dissemination and Implementation Research in Health Study Section.

Date: October 14–15, 2015.

Time: 9:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 East Wacker Drive, Chicago, IL 60601.

Contact Person: Martha L Hare, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, Bethesda, MD 20892, (301) 451–8504, *harem@mail.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular Aspects of Diabetes and Obesity Study Section.

Date: October 15–16, 2015.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Antonello Pileggi, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Heath, 6701 Rockledge Drive, Room 6166, Bethesda, MD 20892–7892, (301) 402–6297, *pileggia@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 2, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–22587 Filed 9–8–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) Drug Testing Advisory Board (DTAB) will meet by web conference on October 26, 2015, from 11 a.m. to 3 p.m. E.D.T., and on October 27, 2015, from 11 a.m. to 3 p.m. E.D.T. The DTAB will convene in closed session on both these days.

On October 26–27, 2015, from 11 a.m. to 3 p.m., the Board will meet to review and discuss the final drafts of the Mandatory Guidelines for Federal Workplace Drug Testing Programs. Therefore, this meeting is closed to the public as determined by the Administrator, SAMHSA, in accordance with 5 U.S.C. 552b(c)(9)(B) and 5 U.S.C. App. 2, Section 10(d).

Meeting information and a roster of DTAB members may be obtained by accessing the SAMHSA Advisory Committees Web site, *http://www.samhsa.gov/about-us/advisory-councils/drug-testing-advisory-board-dtab,* or by contacting Dr. Cook.

Committee Name: Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Prevention Drug Testing Advisory Board.

Dates/Time/Type: October 26, 2015, from 11 a.m. to 3 p.m. E.D.T.: CLOSED; October 27, 2015, from 11 a.m. to 3 p.m. E.D.T.: CLOSED.

Place: VTC Conference Room, SAMHSA Building, 1 Choke Cherry Road, Rockville, Maryland 20850.

Contact: Janine Denis Cook, Ph.D., Designated Federal Official, CSAP Drug Testing Advisory Board, 1 Choke Cherry Road, Room 7–1043, Rockville, Maryland 20857, *Telephone:* 240–276–2600, *Fax:* 240–276–2610, *Email: janine.cook@samhsa.hhs.gov.*

Janine Denis Cook,

Designated Federal Official, Division of Workplace Programs, Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration.

[FR Doc. 2015–22633 Filed 9–8–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Automated Commercial Environment (ACE) Export Manifest for Rail Cargo Test

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: General notice.

SUMMARY: This document announces that U.S. Customs and Border Protection (CBP) plans to conduct the Automated Commercial Environment (ACE) Export Manifest for Rail Cargo Test, a National Customs Automation Program (NCAP) test concerning ACE export manifest capability. The ACE Export Manifest for Rail Cargo Test is a voluntary test in which participants agree to submit export manifest data electronically at least 2 hours prior to loading of the cargo onto the rail car in preparation for departure from the United States or, for empty rail cars, upon assembly of the train. CBP regulations do not require carriers to submit a manifest for export rail shipments. This notice provides a description of the test, sets forth eligibility requirements for participation, and invites public comment on any aspect of the test.

DATES: The test will begin no earlier than October 9, 2015 and will run for approximately two years. CBP is accepting applications for participation in this planned test until CBP has received applications from nine parties that meet all test participant requirements. Comments concerning this notice and all aspects of the announced test may be submitted at any time during the test period.

ADDRESSES: Applications to participate in the ACE Export Manifest for Rail Cargo Test must be submitted via email to CBP Rail Export Manifest at *cbprailexportmanifest@cbp.dhs.gov.* In the subject ine of the email, please use ''ACE Export Manifest for Rail Cargo Test Application''. Written comments concerning program, policy, and technical issues may also be submitted via email to CBP Rail Export Manifest at *cbprailexportmanifest@cbp.dhs.gov.* In the subject line of the email, please use ''Comment on ACE Export Manifest for Rail Cargo Test''.

FOR FURTHER INFORMATION CONTACT: Vincent C. Huang, Cargo and Conveyance Security, Office of Field Operations, U.S. Customs & Border Protection, via email at *cbprailexport manifest@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The National Customs Automation Program

The National Customs Automation Program (NCAP) was established in Subtitle B of Title VI—Customs Modernization, in the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057, Dec. 8, 1993) (Customs Modernization Act) (19 U.S.C. 1411–14). Through NCAP, the initial thrust of customs modernization was on trade compliance and the development of the Automated Commercial Environment (ACE), the planned successor to the Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for CBP and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions. CBP's modernization efforts are accomplished through phased releases of ACE component functionality designed to replace a specific legacy ACS or paper function, or to create a new function. Each release begins with a test and ends with mandatory use of the new ACE feature, thus retiring the legacy ACS or paper function as applicable. Each release builds on previous releases and sets the foundation for subsequent releases.

Authorization for the Test

The Customs Modernization Act provides the Commissioner of CBP with the authority to conduct limited test programs or procedures designed to evaluate planned components of the NCAP. The test described in this notice is authorized pursuant to the Customs Modernization Act and section 101.9(b) of title 19 of the Code of Federal Regulations (19 CFR 101.9(b)) which provides for the testing of NCAP programs or procedures. As provided in 19 CFR 101.9(b), for purposes of conducting an NCAP test, the Commissioner of CBP may impose requirements different from those specified in the CBP regulations.

International Trade Data System (ITDS)

This test is also in furtherance of the International Trade Data System (ITDS) key initiatives, set forth in section 405 of the Security and Accountability for Every Port Act of 2006 (Pub. L. 109–347,

120 Stat. 1884, Oct. 13, 2006) (SAFE Port Act) (19 U.S.C. 1411(d)) and Executive Order 13659 of February 19, 2014, *Streamlining the Export/Import Process for America's Businesses.* The purpose of ITDS, as stated in section 405 of the SAFE Port Act, is to eliminate redundant information requirements, efficiently regulate the flow of commerce, and effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by CBP, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies. CBP is developing ACE as the ''single window'' for the trade community to comply with the ITDS requirement established by the SAFE Port Act.

Executive Order 13659 requires that by December 2016, ACE, as the ITDS single window, have the operational capabilities to serve as the primary means of receiving from users the standard set of data and other relevant documentation (exclusive of applications for permits, licenses, or certifications) required for the release of imported cargo and clearance of cargo for export, and to transition from paper-based requirements and procedures to faster and more cost-effective electronic submissions to, and communications with, U.S. government agencies.

Current Rail Cargo Export Information Requirements

Under existing regulations, rail carriers are not required to submit a paper or electronic manifest for cargo exported from the United States by rail. However, as discussed below, under 19 CFR 192.14, the U.S. Principal Party in Interest (USPPI) is required to submit certain advance information to CBP for export cargo leaving the United States by rail.[1]

Section 343(a) of the Trade Act of 2002, as amended (Trade Act) (19 U.S.C. 2071 note), required CBP to promulgate regulations providing for the mandatory transmission of electronic cargo information by way of a CBP-approved electronic data interchange (EDI) system before the cargo is brought into or departs the United States by any mode of commercial transportation (sea, air, rail, or truck). The required cargo information is that which is reasonably necessary to enable high-risk shipments to be identified for purposes of ensuring cargo safety and security and preventing smuggling pursuant to the laws enforced and administered by CBP. Section 192.14 of title 19 of the Code of Federal Regulations (19 CFR 192.14) implements the requirements of the Trade Act with regard to cargo departing the United States.

Under 19 CFR 192.14, the USPPI must file any required Electronic Export Information (EEI) for the cargo on the train in the Automated Export System (AES). The USPPI or its authorized agent must transmit and verify system acceptance of this EEI, generally no later than 2 hours prior to the arrival of the train at the border. The rail carrier may not load cargo without first receiving from the USPPI or its authorized agent either the related EEI filing citation, covering all cargo for which the EEI is required, or exemption legends, covering cargo for which EEI need not be filed. While the rail carrier is not required to submit a rail cargo export manifest to CBP, the outbound rail carrier must annotate the carrier's outward manifest, waybill, or other export documentation with the applicable AES proof of filing, post departure, downtime, exclusion or exemption citations, conforming to the approved data formats found in the Bureau of the Census Foreign Trade Regulations (FTR) (*See* 15 CFR part 30).

Description of the ACE Export Manifest for Rail Cargo Test

Purpose

The ACE Export Manifest for Rail Cargo Test will test the feasibility of requiring rail carriers to file export manifest data. In addition, the ACE Export Manifest for Rail Cargo Test will test the functionality regarding the filing of export manifest data for rail cargo electronically to ACE in furtherance of the ITDS initiatives described above. CBP has re-engineered AES to move it to an ACE system platform. The re-engineering and incorporation of AES into ACE will result in the creation of a single automated export processing platform for certain export manifest, commodity, licensing, export control, and export targeting transactions. This will reduce costs for CBP, partner government agencies, and the trade community, and improve facilitation of export shipments through the supply chain.

The ACE Export Manifest for Rail Cargo Test will also test the feasibility of requiring the rail carrier to submit manifest information electronically in ACE generally within a specified time before the cargo is loaded on the train. As described in the paragraph below, in the test, participants will submit export manifest data electronically to ACE at least 2 hours prior to loading of the cargo or, for empty rail cars, upon assembly of the train. This timeframe will also enable CBP to link the EEI submitted by the USPPI with the export manifest information. This capability will better enable CBP to assess risk and effectively target and inspect shipments prior to the loading of cargo to ensure compliance with all U.S. export laws.

Procedures

Participants in the ACE Export Manifest for Rail Cargo Test agree to provide export manifest data electronically at least 2 hours prior to loading of the cargo onto the train in preparation for departure from the United States or, for empty rail cars, upon assembly of the train. The ACE Export Manifest data submission will be used to target high-risk rail cargo. CBP expects that test participants will have access to the manifest data early in the planning stages of an export rail cargo transaction and will be able to comply with these timeframes. CBP anticipates that these timeframes will provide CBP adequate time to perform proper risk assessment and identification of shipments to be inspected early enough in the supply chain to enhance security while minimizing disruption to the flow of goods. Although CBP will aim to identify shipments for inspection prior to loading, inspections could potentially happen at any time before the train departs the United States.

Any rail cargo identified as potentially high-risk will receive a hold until required additional information related to the shipment is submitted to clarify non-descriptive, inaccurate, or insufficient information, a physical inspection is performed, or some other appropriate action is taken, as specified by CBP. Once the cargo is cleared for loading, a release message will be generated and transmitted to the filer.

Data Elements

The ACE Export Manifest for Rail Cargo Test data elements are mandatory unless otherwise indicated. Data elements that are indicated as ''conditional'' must be transmitted to CBP only if the particular information pertains to the shipment or cargo. The ACE Export Manifest for Rail Cargo data elements are to be submitted at the lowest bill level. The data elements for all shipments, including empty rail cars, consist of:

[1] The USPPI is defined in the Bureau of the Census Foreign Trade Regulations (FTR) as the person or legal entity in the United States that receives the primary benefit, monetary or otherwise, from the export transaction. Generally, that person or entity is the U.S. seller, manufacturer, or order party, or the foreign entity while in the United States when purchasing or obtaining the goods for export. 15 CFR 30.1.

(1) Mode of Transportation (Rail, containerized or Rail, non-containerized)
(2) Port of Departure from the United States
(3) Date of Departure
(4) Manifest Number
(5) Train Number
(6) Rail Car Order
(7) Car Locator Message
(8) Hazmat Indicator (Yes/No)
(9) 6-character Hazmat Code (conditional) (If the hazmat indicator is yes, then UN (for United Nations Number) or NA (North American Number) and the corresponding 4-digit identification number assigned to the hazardous material must be provided.)
(10) Marks and Numbers
(11) SCAC (Standard Carrier Alpha Code) for exporting carrier
(12) Shipper name and address (For empty rail cars, the shipper may be the railroad from whom the rail carrier received the empty rail car to transport.)
(13) Consignee name and address (For empty rail cars, the consignee may be the railroad to whom the rail carrier is transporting the empty rail car.)
(14) Place where the rail carrier takes possession of the cargo shipment or empty rail car
(15) Port of Unlading
(16) Country of Ultimate Destination
(17) Equipment Type Code
(18) Container Number(s) (for containerized shipments) or Rail Car Number(s) (for all other shipments)
(19) Empty Indicator (Yes/No)

If the empty indicator is no, then the following data elements must also be provided, as applicable:

(20) Bill Of Lading Numbers (Master and House)
(21) Bill of Lading type (Master, House, Simple or Sub)
(22) Number of house bills of lading
(23) Notify Party name and address (conditional)
(24) AES Internal Transaction Number or AES Exemption Statement (per shipment)
(25) Cargo Description
(26) Weight of Cargo (may be expressed in either pounds or kilograms)
(27) Quantity of Cargo and Unit of Measure
(28) Seal Number
(29) Split Shipment Indicator (Yes/No)
(30) Portion of split shipment (*e.g.* 1 of 10, 4 of 10, 5 of 10—Final. etc.) (conditional)
(31) In-bond number (conditional)
(32) Mexican Pedimento Number (only for shipments for export to Mexico) (conditional)

There are currently no additional data elements identified for other participating U.S. Government Agencies (PGAs) for the ACE Export Manifest for Rail Cargo Test. However, CBP may enhance the test in the future with additional data or processing capabilities to assist with facilitation of rail shipment movements and to be consistent with Executive Order 13659. Any such enhancement will be announced in the **Federal Register**.

Eligibility Requirements

CBP is limiting this test to nine rail carriers. There are no restrictions with regard to organization size, location, or commodity type. However, participation is limited to those parties who are able to electronically transmit export manifest data in the identified acceptable format. Prospective ACE Export Manifest for Rail Cargo Test participants must have the technical capability to electronically submit data to CBP and receive response message sets via Cargo-ANSI X12 or Unified XML, and must successfully complete certification testing with their client representative. (Unified XML may not be immediately available at the start of the test. However, participants wishing to utilize Unified XML may be accepted, pending its development and implementation). Once parties have applied to participate, they must complete a test phase to determine if the data transmission is in the required readable format. Applicants will be notified once they have successfully completed testing and are permitted to participate fully in the test. In selecting participants, CBP will take into consideration the order in which the applications are received.

Conditions of Participation

Test participants agree to submit export manifest data electronically to CBP via an approved EDI at least 2 hours prior to the loading of the cargo onto the rail car in preparation for departure from the United States, or, for empty rail cars, upon assembly of the train. In addition, test participants agree to establish operational security protocols that correspond to CBP hold messages that mandate the participant to take responsive action and respond to CBP confirming that the requested action was taken to mitigate any threat identified, respond promptly with complete and accurate information when contacted by CBP with questions regarding the data submitted, and comply with any Do Not Load instructions.

Finally, test participants agree to participate in any teleconferences or meetings established by CBP, when necessary, to ensure any challenges, or operational or technical issues regarding the test are properly communicated and addressed.

Participation in the ACE Export Manifest for Rail Cargo Test does not impose any legally binding obligations on either CBP or the participant, and CBP generally does not intend to enforce or levy punitive measures if test participants are non-compliant with these conditions of participation during the test.

Application Process and Acceptance

Those interested in participating in the ACE Export Manifest for Rail Cargo Test should submit an email to CBP Rail Export Manifest at *cbprailexport manifest@cbp.dhs.gov,* stating their interest and their qualifications based on the above eligibility requirements. The email will serve as an electronic signature of intent to participate and must also include a point of contact name and telephone number. Applications will be accepted until CBP has received applications from nine parties that meet all test participant requirements. CBP will notify applicants whether they have been selected to participate in the test. Applicants will also be notified once they have successfully completed testing and are permitted to participate fully in the test.

Test participants will receive technical, operational, and policy guidance through all stages of test participation, from planning to implementation, on the necessary steps for the transmission of electronic export manifest data.

Costs to ACE Export Manifest for Rail Cargo Test Participants

ACE Export Manifest for Rail Cargo Test participants are responsible for all costs incurred as a result of their participation in the test and such costs will vary, depending on their pre-existing infrastructures.

Benefits to ACE Export Manifest for Rail Cargo Test Participants

While the benefits to ACE Export Manifest for Rail Cargo Test participants will vary, several advantages of joining may include:

- Reduction in costs associated with fewer examinations required after cargo is already loaded on the rail car;
- Reduction in delays and associated costs as a result of fewer trains being stopped for inspection at the borders or less cargo being returned to CBP custody for inspection once the cargo has departed the United States;

- More real time accurate transportation data, such as date and port of export, when linked to the AES EEI filing, thereby potentially reducing the likelihood of penalties (issued to exporters and/or carriers) pursuant to 15 CFR part 30 for incorrect information;
- Increases in security by leveraging CBP threat model and other data to employ a risk-based approach to improve rail cargo security and to ensure compliance with U.S. export laws, rules and regulations through targeted screening;
- The ability to provide input into CBP efforts to establish, test, and refine the interface between government and industry communication systems for the implementation of the electronic export manifest system;
- Facilitation of corporate preparedness for future mandatory implementation of electronic export manifest submission requirements; and
- Facilitation of the movement of legitimate cargo being transported by rail across U.S. borders with Canada and Mexico.

Regulatory and Statutory Requirements

Participation in the ACE Export Manifest for Rail Cargo Test does not alter the participant's obligations to comply with any other applicable statutory and regulatory requirements and participants will still be subject to applicable penalties for non-compliance. In addition, submission of data under the test does not exempt the participant from any CBP or other U.S. Government agency program requirements or any statutory sanctions in the event that a violation of U.S. export laws or prohibited articles are discovered within a shipment/container presented for export destined from the United States on a train owned and/or operated by the participant.

Duration and Evaluation of the ACE Export Manifest for Rail Cargo Test

The test will be activated on a case-by-case basis with each participant and may be limited to a single or small number of ports until any operational, training, or technical issues on either the trade or government side are established and/or resolved. The test will run for approximately two years from October 9, 2015. While the test is ongoing, CBP will evaluate the results and determine whether the test will be extended, expanded to include additional participants, or otherwise modified. CBP will announce any such modifications by notice in the **Federal Register**. When sufficient test analysis and evaluation has been conducted, CBP intends to begin rulemaking to require the submission of electronic export manifest data before the cargo is loaded onto the train for all international shipments destined from the United States. The results of the test will help determine the relevant data elements, the time frame within which data should be submitted to permit CBP to effectively target, identify, and mitigate any risk with the least impact practicable on trade operations, and any other related procedures and policies.

Confidentiality

All data submitted and entered into ACE is subject to the Trade Secrets Act (18 U.S.C. 1905) and is considered confidential, except to the extent as otherwise provided by law. However, participation in this or any ACE test is not confidential and upon a written Freedom of Information Act (FOIA) request, the name(s) of an approved participant(s) will be disclosed by CBP in accordance with 5 U.S.C. 552.

Misconduct Under the Test

If a test participant fails to abide by the rules, procedures, or terms and conditions of this and all other applicable **Federal Register** Notices, fails to exercise reasonable care in the execution of participant obligations, or otherwise fails to comply with all applicable laws and regulations, then the participant may be suspended from participation in this test and/or subjected to penalties, liquidated damages, and/or other administrative or judicial sanction. Additionally, CBP has the right to suspend a test participant based on a determination that an unacceptable compliance risk exists.

If CBP determines that a suspension is warranted, CBP will notify the participant of this decision, the facts or conduct warranting suspension, and the date when the suspension will be effective. In the case of willful misconduct, or where public health interests or safety are concerned, the suspension may be effective immediately. This decision may be appealed in writing to the Assistant Commissioner, Office of Field Operations, within 15 days of notification. The appeal should address the facts or conduct charges contained in the notice and state how the participant has or will achieve compliance. CBP will notify the participant within 30 days of receipt of an appeal whether the appeal is granted. If the participant has already been suspended, CBP will notify the participant when their participation in the test will be reinstated.

Paperwork Reduction Act

As noted above, CBP will be accepting no more than nine participants in the ACE Export Manifest for Rail Cargo Test. This means that fewer than ten persons will be subject to any information collections under this test. Accordingly, collections of information within this notice are exempted from the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3502 and 3507).

Dated: September 3, 2015.

Todd C. Owen,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 2015–22671 Filed 9–8–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2015–N148; FXES1130400000C2–156–FF04E00000]

Endangered and Threatened Wildlife and Plants; Final Recovery Plan for Dusky Gopher Frog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of the final recovery plan for the endangered dusky gopher frog. The recovery plan includes specific recovery objectives and criteria that must be met in order for us to downlist the frog to threatened status under the Endangered Species Act of 1973, as amended.

ADDRESSES: You may obtain a copy of the recovery plan from our Web site at *http://www.fws.gov/endangered/species/recovery-plans.html.* You may also request a copy of the recovery plan by contacting Linda LaClaire at the Mississippi Field Office, by U.S. mail at U.S. Fish and Wildlife Service, Mississippi Field Office, 6578 Dogwood View Pkwy, Jackson, MS 39213 (telephone 601–321–1126).

FOR FURTHER INFORMATION CONTACT: Linda LaClaire (see **ADDRESSES**, above).

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). Recovery means

improvement of the status of listed species to the point at which listing is no longer needed under any criteria specified in section 4(a)(1) of the Act. To help guide the recovery effort, we prepare recovery plans for most listed species. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for downlisting or delisting, and estimate time and cost for implementing recovery measures. The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species.

The Service listed the Mississippi gopher frog (*Rana capito sevosa*) under the Act, as an endangered distinct vertebrate population segment (DPS) of the gopher frog (*Rana capito*) on December 4, 2001 (66 FR 62993). On June 12, 2012, we published a final rule (77 FR 35118) designating critical habitat for this listed entity, changing its status to ''species,'' and changing its name to dusky gopher frog (*Rana sevosa*) based on taxonomic changes and the acceptance of these changes by the herpetological scientific community. The frog's current distribution is restricted to the State of Mississippi. At the time of listing, only one population of the species was known. Subsequently, two other naturally occurring populations were discovered. One additional dusky gopher frog population has been established in Mississippi as a result of translocation experiments. Presently, we estimate that a minimum of 135 individual adult frogs survive in the wild, the vast majority of which occur in the original population known at the time of listing.

Principal threats to the dusky gopher frog include degradation and destruction of breeding and nonbreeding habitat, habitat fragmentation, and alteration of hydrological patterns due to urbanization and climate change. Additional threats include the restricted range of the dusky gopher frog, its small number of populations, and disease. All these factors act to increase the vulnerability of the species to a single catastrophic event and to the deleterious effects of genetic inbreeding.

Recovery Plan

Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment prior to final approval of recovery plans. We and other Federal agencies will take these comments into account in the course of implementing approved recovery plans.

The *Technical/Agency Draft Recovery Plan for the Dusky Gopher Frog* was developed by the Dusky Gopher Frog Recovery Team and our Mississippi Field Office. This draft plan was published on September 10, 2014, and made available for public comment through November 10, 2014 (79 FR 53728).

We received public comments on our draft recovery plan and incorporated them into the final plan, as appropriate. We also considered the information we received from peer reviewers in our preparation and approval of this final recovery plan.

Recovery Plan Components

The Service's recovery objectives are to work to reduce threats so that the dusky gopher frog may be downlisted to threatened status. Defining reasonable delisting criteria is not possible at this time, given the current low number of populations and individuals, lack of information about the species' biology, and magnitude of threats. Therefore, this recovery plan only establishes downlisting criteria for the dusky gopher frog.

Downlisting of the dusky gopher frog will be considered when:

1. Six viable metapopulations* are documented within blocks of recovery focus areas (described in Section II of the recovery plan) and are widely distributed across the range of the species. The six metapopulations would include a minimum of 12 breeding ponds and would be distributed as follows:

a. One metapopulation in Block #1 (*Louisiana:* Portions of St. Tammany, Tangipahoa, and Washington Parishes, west to the Tangipahoa River);

b. Two metapopulations each in Block #2 (*South-Central Mississippi:* North of State Hwy. 26, between the Pearl and Pascagoula Rivers; Forrest County and portions of Lamar, Pearl River, Perry, and Stone Counties) and Block #3 (*South Mississippi:* South of Hwy. 26, between the Pearl and Pascagoula Rivers; Hancock and Harrison Counties, and portions of Jackson, George, Pearl River, and Stone Counties); and

c. One metapopulation in either Block #4 (*Eastern Mississippi:* East of Pascagoula/Leaf Rivers; portions of George, Greene, Jackson, and Wayne Counties) or Block #5 (*Alabama:* West of the Mobile River Delta; Mobile and Washington Counties, small portion of Choctaw County).

2. Long-term monitoring (at least 10 years) of each metapopulation is able to document population viability (viability standard to be defined through a recovery task). The 10-year timeframe will allow monitoring of recruitment events and other population attributes in a species that has been characterized by highly variable reproductive and survival rates. In each of at least two annual breeding events within a 3-year period, a total of 30 egg masses per metapopulation must be documented and recruitment must be verified.

3. Breeding and adjacent upland habitats within the six metapopulations are protected long term through management agreements, public ownership, or other means, in sufficient quantity and quality (to be determined by recovery task) to support growing populations.

4. Studies of the dusky gopher frog's biological and ecological requirements are completed, and any required recovery measures discovered during these studies are developed and implemented.

* Information defining what constitutes a viable metapopulation can be found in the Service's final recovery plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: July 24, 2015.

Cynthia K. Dohner,

Regional Director, Southeast Region.

[FR Doc. 2015–22733 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX155EE000101000]

Agency Information Collection Activities: Request for Comments

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of a new information collection, Doug D. Nebert NSDI Champion of the Year Award.

SUMMARY: We (the U.S. Geological Survey) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act (PRA) 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.

DATES: To ensure that your comments are considered, we must receive them on or before November 9, 2015.

ADDRESSES: You may submit comments 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) 648–7197 (fax); or *gs-info_collections@usgs.gov* (email). Please reference ''Information Collection 1028—NEW, Doug D. Nebert NSDI Champion of the Year Award'' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Brigitta Urban-Mathieux, Federal Geographic Data Committee Office of the Secretariat, U.S. Geological Survey, at (703) 648–5175 or *burbanma@usgs.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Doug D. Nebert NSDI Champion of the Year Award honors a respected colleague, technical visionary, and recognized national leader in the establishment of spatial data infrastructures that significantly enhance the understanding of our physical and cultural world. The award is sponsored by the Federal Geographic Data Committee (FGDC) and its purpose is to recognize an individual or a team representing Federal, State, Tribal, regional, and (or) local government, academia, or non-profit and professional organization that has developed an outstanding, innovative, and operational tool, application, or service capability used by multiple organizations that furthers the vision of the National Spatial Data Infrastructure (NSDI).

National nominations are accepted from the public and private sector individuals, teams, organizations, and professional societies. Nomination packages include three sections: (A) Cover Sheet, (B) Summary Statement, and (C) Supplemental Materials. The cover sheet includes professional contact information. The Summary Statement is limited to two pages and describes the nominee's achievements in the development of an outstanding, innovative, and operational tool, application, or service capability that directly supports the spatial data infrastructures. Nominations may include up to 10 pages of supplemental information such as resume, publications list, and/or letters of endorsement. The award consists of a citation and plaque, which are presented to the recipient at an appropriate public forum by the FGDC Chair. The name of the recipient is also inscribed on a permanent plaque, which are displayed by the FGDC.

II. Data

OMB Control Number: 1028—NEW.

Title: Doug D. Nebert NSDI Champion of the Year Award.

Type of Request: New information collection.

Affected Public: Personnel from Federal, State, Local, and Tribal governments; Private Sector; Academia; and Non-profit organizations.

Respondent's Obligation: None. Participation is voluntary.

Frequency of Collection: This is an annual offer.

Estimated Annual Number of Respondents: 10.

Estimated Total Number of Annual Responses: 10.

Estimated Time per Response: 10 hours.

Estimated Annual Burden Hours: 100 hours.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: None.

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 and current expiration date.

III. Request for Comments

We are soliciting comments 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) ways 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 the 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 in your comment to withhold your personally identifiable information from public view, we cannot guarantee that we will be able to do so.

Ivan DeLoatch,

Executive Director, Federal Geographic Data Committee, Core Science Systems.

[FR Doc. 2015–22642 Filed 9–8–15; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/A0A501010.999900 253G]

Pueblo of Santa Ana Title 10—Licensing & Regulation, Chapter 1—Liquor Code (Chapter)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the amendment to the Pueblo of Santa Ana's Title 10—Licensing & Regulation, Chapter 1—Liquor Code (Chapter). This Chapter amends the existing Chapter 1—Liquor Code, Section 126, enacted by the Pueblo of Santa Ana Tribal Council, which was published in the **Federal Register** on April 7, 2006 (71 FR 17903).

DATES: *Effective Date:* This code shall become effective on October 9, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Mattingly, Tribal Government Services Officer, Southwest Regional Office, Bureau of Indian Affairs, 1001 Indian School Road NW., Albuquerque, NM 87104–2303, Phone: (505) 536–3100; Fax: (505) 563–3101: 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 Pueblo of Santa Ana Tribal Council of the Pueblo of Santa Ana adopted the amendments to the Pueblo's Title 10—Licensing & Regulation, Chapter 1—Liquor Code (Chapter), Section 126, by Resolution No. 2015–R–09 on June 11, 2015. This **Federal Register** notice amends and supersedes the Pueblo of Santa Ana Liquor Ordinance, enacted by the Pueblo of Santa Ana Tribal Council,

which was last published on April 7, 2006 (71 FR 17903).

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 Pueblo of Santa Ana Council of the Pueblo of Santa Ana duly adopted this amendment to the Pueblo's Title 10—Licensing & Regulation, Chapter 1—Liquor Code (Chapter) by Resolution No. 2015–R–09 on June 11, 2015.

Dated: August 31, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

Section 126 Pueblo of Santa Ana Liquor Code shall read as follows:

PUEBLO OF SANTA ANA TRIBAL CODE

TITLE 10: LICENSING & REGULATION

Chapter One: LIQUOR CODE

Subchapter One: General Provisions

Section 101: FINDINGS.

The Tribal Council finds as follows:

A. The introduction, possession and sale of alcoholic beverages on the Santa Ana Indian Reservation has, for a long time, been clearly recognized as a matter of special concern to the Pueblo and its members and to the United States; and

B. Under federal law and New Mexico state law, and as a matter of inherent Tribal sovereignty, the question of when and to what extent alcoholic beverages may be introduced into and sold or consumed within the Santa Ana Indian Reservation is to be decided by the governing body of the Tribe; and

C. It is desirable that the Tribal Council legislate comprehensively on the subject of the sale and possession of alcoholic beverages within the Santa Ana Indian Reservation, both to establish a consistent and reasonable Tribal policy on this important subject, as well as to facilitate economic development projects within the Santa Ana Indian Reservation that may involve outlets for the sale and consumption of alcoholic beverages; and

D. It is the policy of the Tribal Council that the introduction, sale and consumption of alcoholic beverages within the Santa Ana Indian Reservation be carefully regulated so as to protect the public health, safety and welfare, and that licensees be made fully accountable for violations of conditions of their licenses and the consequences thereof.

Section 102: DEFINITIONS.

As used in this Chapter, the following words shall have the following meanings:

A. ''Council'' means the Tribal Council of the Pueblo of Santa Ana.

B. ''Development Area'' means those lands within the Santa Ana Indian Reservation and that are situated west of the Rio Grande and south of the Rio Jemez, but not including any lands within the boundaries of the Santa Ana Pueblo Grant as confirmed by Congress by the Act of February 9, 1869, c. 26, 15 Stat. 438 (provided however, that if such term is more specifically defined in a planning or zoning statute or ordinance adopted by the Tribal Council, or in any regulations issued under the authority of any such duly adopted planning or zoning statute or ordinance, such definition shall supersede and control the definition of such term set forth herein).

C. ''Governor'' means the Governor of the Pueblo of Santa Ana.

D. ''Licensed Premises'' means the location within the Santa Ana Indian Reservation at which a licensee is permitted to sell and allow the consumption of alcoholic beverages, and may, if requested by the applicant and approved by the Governor, include any related or associated facilities under the control of the licensee, or within which the licensee is otherwise authorized to conduct business (but subject to any conditions or limitations as to sales within such area that may be imposed by the Governor in issuance of the license).

E. ''Licensee'' means a person or entity that has been issued a license to sell alcoholic beverages on the licensed premises under the provision of this Liquor Code.

F. ''Liquor'' or ''Alcoholic Beverage'' includes the four varieties of liquor commonly referred to as alcohol, spirits, wine and beer, and all fermented, spirituous, vinous or malt liquors or combinations thereof, mixed liquor, any part of which is fermented, spirituous, vinous, or malt liquor, or any otherwise intoxicating liquid, including every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer and intended for oral consumption.

G. ''Liquor Code'' means the Santa Ana Pueblo Liquor Code, this Chapter.

H. ''Person'' means any natural person, partnership, corporation, joint venture, association, or other legal entity.

I. ''Pueblo'' or ''Tribe'' means the Pueblo of Santa Ana.

J. ''Sale'' or ''sell'' means any exchange, barter, or other transfer of goods from one person to another for commercial purposes, whether with or without consideration.

K. ''Santa Ana Indian Reservation'' means all lands within the exterior boundaries of the Santa Ana Indian Reservation, all lands within the exterior boundaries of the El Ranchito Grant and the Santa Ana Pueblo Grant, and all other lands owned by the Pueblo subject to federal law restrictions on alienation or held by the United States for the use and benefit of the Pueblo.

L. ''Special Event'' means a bona fide special occasion such as a fair, fiesta, show, tournament, contest, meeting, picnic or similar event within the Development Area, sponsored by an established business or organization, lasting no more than three days. A special event may be open to the public or to a designated group, and it may be a one-time event or periodic, provided, however, that such events held more than four times a year by the same business or organization may not be deemed special events for purposes of this Liquor Code, in the discretion of the Governor.

M. ''Server'' means an individual who sells, serves or dispenses alcoholic beverages for consumption on or off licensed premises, including persons who manage, direct or control the sale or service of alcohol.

Section 103: SOVEREIGN IMMUNITY PRESERVED.

Nothing in the Liquor Code shall be construed as a waiver or limitation of the sovereign immunity of the Pueblo.

Section 104: INITIAL COMPLIANCE.

No person shall be disqualified from being issued a license under the provisions of this Liquor Code, or shall be found to have violated any provision of this Chapter, solely because such person, having been duly authorized to engage in the sale of alcoholic beverages within the Santa Ana Indian Reservation under the law as it existed prior to enactment of this Liquor Code, continues to engage in such business without a license issued under the provisions of this Liquor Code after the effective date hereof, so long as such person, within 90 days after such effective date (or within 30 days after receiving written notice from the Pueblo of the enactment of the Liquor Code, whichever is later) submits an application for such license in compliance with the provisions of this Liquor Code, and a license is thereafter issued in due course; provided, however, that upon the issuance of a license under the provisions of this Liquor Code to any person or entity, or upon the rejection of an application for such license by any person or entity, no license issued by the State of New Mexico or issued under the provisions of any prior law of the Pueblo that is

held by such person or entity, or that purports to authorize the possession, sale or consumption of alcoholic beverages on premises covered by a license issued (or a license application rejected) under the provisions of this Liquor Code, shall have any further validity or effect within the Santa Ana Indian Reservation.

Section 105: SEVERABILITY.

In the event any provision of this Liquor Code is held invalid or unenforceable by any court of competent jurisdiction, the remainder of the Code shall continue in full force and effect, notwithstanding the invalidity or unenforceability of such provision, to the fullest extent practicable.

Subchapter Two: Sale, Possession and Consumption of Alcoholic Beverages

Section 121: PROHIBITION.

The sale, introduction for sale, purchase, or other dealing in alcoholic beverages, except as is specifically authorized by the Liquor Code, is prohibited within the Santa Ana Indian Reservation.

Section 122: POSSESSION FOR PERSONAL USE.

Possession of alcoholic beverages for personal use shall be lawful within the Santa Ana Indian Reservation only if such alcoholic beverages were lawfully purchased from an establishment duly licensed to sell such beverages, whether on or off the Santa Ana Indian Reservation, and are possessed by a person or persons 21 years of age or older. Such possession is otherwise prohibited.

Section 123: TRANSPORTATION THROUGH RESERVATION NOT AFFECTED.

Nothing herein shall pertain to the otherwise lawful transportation of alcoholic beverages through the Santa Ana Indian Reservation by persons remaining upon public highways (or other areas paved for motor vehicles) and where such beverages are not delivered, sold at retail or offered for sale at retail to anyone within the Santa Ana Indian Reservation.

Section 124: REQUIREMENT OF PUEBLO LICENSE.

No person shall sell any alcoholic beverage within the Santa Ana Indian Reservation at retail, or offer any such beverage for sale at retail, unless such person holds a license issued by the Pueblo under the provisions of this Chapter.

Section 125: ALL SALES FOR PERSONAL USE.

No person licensed to sell alcoholic beverages within the Santa Ana Indian Reservation shall sell any such beverage for resale, but all such sales shall be for the personal use of the purchaser. Nothing herein shall prohibit a duly licensed wholesale dealer in alcoholic beverages from selling and delivering such beverages to properly licensed retailers within the Santa Ana Indian Reservation, so long as such sales and deliveries are otherwise in conformity with the laws of the State of New Mexico and this Liquor Code.

Section 126: PACKAGE SALES AND SALES OF LIQUOR BY THE DRINK PERMITTED.

Sales of alcoholic beverages on the Santa Ana Indian Reservation may be in package form or for consumption on the premises, or both, so long as the seller is properly licensed by the Pueblo to make sales of that type. No seller of alcoholic beverages shall permit any person to bring onto premises where liquor by the drink is authorized to be sold any alcoholic beverages purchased elsewhere, unless such person is otherwise licensed to possess or distribute such beverages on such premises, except that a restaurant holding a premises license may allow a customer who is ordering a meal, and who is legally entitled to consume alcoholic beverages, to bring onto the premises one or more bottles of wine that were legally acquired from a New Mexico licensed retailer or wholesaler (but not to exceed one bottle per person at the table), for consumption with such customer's meal, provided that any such bottle is opened by an employee of the restaurant who is legally entitled to serve alcoholic beverages, and the restaurant may charge a corkage fee for each such bottle opened.

Section 127: NO SALES TO MINORS.

No alcoholic beverages may be sold within the Santa Ana Indian Reservation to persons under the age of 21 years.

Section 128: HOURS AND DAYS OF SALE.

Alcoholic beverages may be sold, offered for sale or consumed on licensed premises within the Santa Ana Indian Reservation at such hours as are established by the Licensee, but provided that in no event shall any such sales or consumption occur between the hours of 2:00 a.m. and 7:00 a.m. on any day.

Section 129: [*Repealed.*]

Section 130: OTHER PROHIBITIONS ON SALES.

The Tribal Council may, by duly enacted resolution, establish other days on which or times at which sales or consumption of alcoholic beverages are not permitted within the Santa Ana Indian Reservation. The Council shall give notice of any such enactment promptly to all licensees within the Santa Ana Indian Reservation. In addition, the Governor of the Pueblo may, in the event of a bona fide emergency, and by written order, prohibit the sale of any alcoholic beverages within the Santa Ana Indian Reservation for a period of time not to exceed 48 hours. The Governor shall give prompt notice of such emergency order to all licensees within the Santa Ana Indian Reservation. No such emergency order may extend beyond 48 hours, unless during that time the Tribal Council meets and determines that the emergency requires a further extension of such order.

Section 131: LOCATION OF SALES, CONSUMPTION.

No person licensed to sell alcoholic beverages within the Santa Ana Indian Reservation shall make such sales except at the licensed premises specifically designated in such license. No person holding a premises license shall permit consumption of alcoholic beverages purchased from such licensee to occur off of the licensed premises; except that nothing herein shall prohibit a premises licensee from permitting a customer who has purchased a bottle of wine with a meal, but only partially consumed the contents of such bottle, from taking the partially consumed bottle off of the premises, after such bottle has been recorked by the licensee and placed in a sealed bag, to which a receipt for the purchase of the bottle has been affixed.

Section 132: SALES TO BE MADE BY ADULTS.

A. No person shall be employed as a server at a licensed premises unless within 30 days after such person's employment such person has obtained alcohol server training equivalent to that required under the laws of the State of New Mexico.

B. No person shall be employed to sell, serve or accept payment for any sale of alcoholic beverages, or to oversee or direct or have any other involvement in any such sale, within the Santa Ana Indian Reservation, who is less than 21 years of age, except that a premises licensee that operates a restaurant or other facility that is held out to the public as a place where meals are prepared and served may employ persons 19 years of age or older to sell or serve alcoholic beverages to persons who are also ordering food, provided that no person under the age of 21 shall be employed as a bartender by any licensee within the Santa Ana Indian Reservation.

Section 133: ALL SALES CASH.

No licensee shall make any sale of any alcoholic beverages within the Santa Ana Indian Reservation without

receiving payment therefor by cash, check, credit card, cash equivalent (such as gaming chips) or voucher issued by the licensee and specifically intended to be redeemable for alcoholic beverages, at or about the time the sale is made; provided, that nothing herein shall preclude a licensee from receiving a delivery of alcoholic beverages from a duly authorized wholesaler where arrangements have been made to pay for such delivery at a different time; and provided further that nothing herein shall preclude a licensee from allowing a customer to purchase more than one alcoholic beverage in sequence, and to pay for all such purchases at the conclusion thereof, so long as payment is made in full before the customer has left the licensed premises; and provided further that nothing herein shall prevent a licensee from distributing alcoholic beverages to customers without charge, so long as such distribution is not otherwise in violation of any provision of this Liquor Code.

Subchapter Three: Issuance of Licenses

Section 151: REQUIREMENT OF LICENSE.

Any person who sells, offers for sale, stores or possesses for commercial purposes, or maintains premises for the consumption of alcoholic beverages within the Santa Ana Indian Reservation, must be duly licensed under the provisions of this Liquor Code.

Section 152: CLASSES OF LICENSES.

The following types or classes of licenses for the sale or distribution of alcoholic beverages within the Santa Ana Indian Reservation shall be permitted:

A. Package license, which shall authorize the licensee to store, possess, sell and offer for sale alcoholic beverages in unopened containers, or in containers that may only be opened by employees of the licensee, for consumption only off the licensed premises.

B. Premises license, which shall authorize the licensee to store, possess and sell alcoholic beverages for consumption on the licensed premises, and to permit such consumption on the licensed premises, provided that such license when held by an inn or hotel shall also permit the licensee to stock any individual guest room with alcoholic beverages contained in a compartment available to the registered guest to whom such room is rented and who is 21 years of age or older; and provided further that a premises licensee may allow a patron who has purchased a bottle of wine with a meal, but who has not consumed all of the contents of such bottle, to leave the premises with the partially filled bottle, after the bottle has been recorked and placed in a sealed bag by the licensee, with a receipt showing the customer's payment for the bottle attached to the bag.

C. Special event license, which shall authorize the licensee to possess, distribute, sell and offer for sale alcoholic beverages for consumption only on the licensed premises, and to permit such consumption, but only for a bona fide special event, and only during the period or periods specified in such license, which period or periods shall be limited to the periods during which the special event is occurring and from beginning to end shall not exceed 72 hours.

Section 153: QUALIFICATIONS FOR LICENSE.

A. No person shall be entitled to be issued a license under the provisions of this Liquor Code who has previously been the subject of any proceeding resulting in the revocation or the denial of a renewal of any license for the sale of alcoholic beverages issued by the Pueblo or by any state or other jurisdiction, or who has been convicted of any felony in any jurisdiction involving theft, corruption, dishonesty or embezzlement, or who has not at the time the application for license is submitted attained the age of 21 years, or who is otherwise determined by the Pueblo to be unfit to be licensed to sell alcoholic beverages, or whose spouse is a person not qualified to hold a license under the provisions of this section.

B. No partnership or corporation shall be entitled to be issued a license under the provisions of this Liquor Code if any individual occupying any management or supervisory position within such corporation or partnership, or who sits on the management committee or board of directors or trustees thereof, or who holds or controls a financial interest of ten percent or more in such partnership or corporation, is a person who would not be entitled to be issued a license under the provisions of this section.

C. No person shall be entitled to be issued a package or premises license hereunder unless such person has, by virtue of an approved lease or other valid interest in lands within the Santa Ana Indian Reservation, lawful entitlement to engage in a business within the Development Area with which such license would be compatible, and can demonstrate that such person is otherwise capable of complying with all of the requirements imposed on licensees by this Liquor Code.

D. No application for a package or premises license shall be issued for any licensed premises outside of the Development Area.

E. Notwithstanding anything in this section to the contrary, the Pueblo and its agencies, programs and enterprises shall be entitled to be issued licenses hereunder in appropriate circumstances, provided that all other provisions of this Liquor Code are complied with.

Section 154: PACKAGE AND PREMISES LICENSE APPLICATION; PROCEDURE; FEES.

A. Every person seeking a package or premises license under the provisions of this Liquor Code (other than the Pueblo or any of its agencies, programs or enterprises) shall submit to the Pueblo's Tribal Administrator, or such other person as the Governor may designate to handle such matters (hereinafter referred to as ''Liquor License Administrator'') a written application, under oath, in the form prescribed by and containing the information required by this section.

B. If the applicant is a natural person, the application shall contain, at a minimum, all of the following information:

1. The full legal name of the applicant, plus any other names under which the applicant has been known or done business during the previous 20 years, and the applicant's date and place of birth, as shown by a certified copy of the applicant's birth certificate.

2. The applicant's current legal residence address and business address, if any, and every residence address that the applicant has maintained during the previous ten years, with the dates during which each such address was current.

3. The trade name, business address and description of every business in which the applicant has engaged or had any interest (other than stock ownership or partnership interest amounting to less than five percent of total capital) during the previous ten years, and the dates during which the applicant engaged in or held an interest in any such business.

4. A listing of every other jurisdiction in which the applicant has ever applied for a license to sell or distribute alcoholic beverages, the date on which each such application was filed, the name of the regulatory agency with which the application was filed, the action taken on each such application, and if any such license was issued, the dates during which it remained in effect, and as to each such license a statement whether any action was ever taken by the regulatory body to suspend or revoke such license, with full dates and details of any such incident.

5. A listing of every crime with which the applicant has ever been charged, other than routine traffic offenses (but including any charge of driving while intoxicated or the like), giving as to each the date on which the charge was made, the location, the jurisdiction, the court in which the matter was heard, and the outcome or ultimate disposition thereof.

6. The name and address of every person or entity holding any security interest in any of the assets of the business to be conducted by the applicant, or in any of the proceeds of such business.

7. A detailed plat of the business premises within the Development Area, including the floor plans of any structure and the details of any exterior areas intended to be part of the licensed premises, together with evidence of the applicant's right to conduct business on such premises.

8. A detailed description of the business conducted or intended to be conducted on the licensed premises, and including (but not limited to) hours of operation and number of employees.

9. The type(s) of license(s) requested.

C. If the applicant is a corporation, the corporation, each officer of the corporation and every person holding 10% or more of the outstanding stock in the corporation shall submit an application complying with the provisions of paragraph B of this section, and in addition, the applicant shall also submit the following:

1. A certified copy of its Articles of Incorporation and Bylaws.

2. The names and addresses of all officers and directors and those stockholders owning 5% or more of the voting stock of the corporation and the amount of stock held by each such stockholder.

3. The name of the resident agent of the corporation who would be authorized to accept service of process, including orders and notices issued by the Pueblo, and who will have principal supervisory responsibility for the business to be conducted on the licensed premises.

4. Such additional information regarding the corporation as the Liquor License Administrator may require to assure a full disclosure of the corporation's structure and financial responsibility.

D. If the applicant is a partnership, the partnership, the managing partner and every partner having an interest amounting to 10% or more of the total equity interest in the partnership shall submit applicants complying with the provisions of paragraph B of this section, and in addition, the applicant shall submit the following:

1. A certified copy of the Partnership Agreement.

2. The names and addresses of all general partners and of all limited partners contributing 10% or more of the total value of contributions made to the limited partnership or who are entitled to 10% or more of any distributions of the limited partnership.

3. The name and address of the partner, or other agent of the partnership, authorized to accept service of process, including orders and notices issued by the Pueblo, and who will have principal supervisory responsibility for the business to be conducted in the licensed premises.

4. Such additional information regarding the partnership as the Liquor License Administrator may require to assure a full disclosure of the partnership's structure and financial responsibility.

E. Every applicant who is a natural person, and every person required by paragraphs C or D of this section to comply with the provisions of paragraph B, shall also submit with the application a complete set of fingerprints, taken under the supervision of and certified to by an officer of an authorized law enforcement agency located within the State of New Mexico.

F. Every applicant for either a package license or a premises license shall submit with the completed license application a non-refundable license processing fee, in the amount set forth below:

Package license	$5,000.00
Premises license	1,000.00

In addition, each applicant shall pay a fee to cover the cost of a background investigation of each individual for whom such investigation must be undertaken in connection with the application, in an amount to be set by the Liquor License Administrator from time to time.

G. Upon receiving a completed license application together with the required fee, the Liquor License Administrator shall cause a background investigation to be performed of the applicant, to determine whether the applicant is qualified to be licensed under the provisions of this Liquor Code. Upon the written recommendation of the Liquor License Administrator (if requested by the applicant), the Governor may, in his discretion, issue a preliminary license to the applicant effective for a period of no more than 90 days, but which shall be renewable for one additional period of 90 days in the event the background investigation cannot be completed within the first 90-day period; provided, however, that in no event shall the issuance of a preliminary license, or the renewal of such license for an additional 90-day period, entitle the applicant to favorable consideration with respect to the application for a package or premises license.

H. The Pueblo or any of its agencies, programs or enterprises may apply for a package or premises license by submitting an application to the Liquor License Administrator identifying the applicant, describing in detail the purpose of the license, including a detailed description of the proposed licensed premises, and including the appropriate fee as set forth in Paragraph F of this section.

Section 155: ISSUANCE OF LICENSE.

A. The Liquor License Administrator shall, after reviewing all of the information submitted by the applicant or revealed by the background investigation, submit a report to the Governor recommending either approval or denial of the application for the license, and stating the reasons for such recommendation.

B. Upon review of the recommendation of the Liquor License Administrator, if the Governor finds that the applicant satisfies the requirements of Section 153 of this chapter, the Governor shall issue the license, authorizing the applicant to engage in sales of alcoholic beverages within the Santa Ana Indian Reservation as permitted by the class of license applied for, and specifying in detail the licensed premises where such sales are permitted (which shall be within the Development Area), but subject also to all the terms and conditions of this Liquor Code, and to such other appropriate conditions, not inconsistent with the provisions of this Liquor Code, as the Governor may deem reasonable and necessary under the circumstances.

C. In the event the Governor concludes, on the basis of the Liquor License Administrator's report, that the applicant does not satisfy the requirements of Section 153 of this chapter, the Governor shall issue a notice denying the application, and explaining the basis for such denial.

D. Any applicant whose application is denied shall have the right to appeal such denial, by filing a Notice of Appeal with the Office of the Governor and with the Santa Ana Tribal Court, within 30 days of the date of receipt of the Notice of Denial. Upon receiving a copy of a Notice of Appeal, the Governor's office shall prepare a copy of the entire file pertaining to the application and shall transmit it to the Tribal Court, with a copy to the applicant. The

Pueblo, represented by the Pueblo's attorney, shall appear in the action in the Tribal Court. The proceedings in the Tribal Court shall be based upon the record that was before the Liquor License Administrator and the Governor, except that the applicant may, upon a showing of good cause, be permitted to submit additional evidence to rebut or explain information relied on by the Governor for his denial of the application that was not obtained from the applicant. The Tribal Court shall affirm the Governor's decision unless it finds that the Governor acted arbitrarily or capriciously or otherwise abused his discretion in making his determination.

E. Any party that is aggrieved by the decision of the Tribal Court may petition the Tribal Council to review the Tribal Court decision, in writing, within 30 days after issuance of the Tribal Court decision. The petition shall set forth the specific grounds on which the petitioner claims the Tribal Court erred in its decision, and why its decision should be reviewed, and shall be served on the Governor and all parties. The prevailing party may submit a response to the petition within 15 days of service of the petition. The Governor shall place the petition on the agenda of the next Tribal Council meeting after service of the response (or the expiration of the 15-day period, if no response is filed), and the Tribal Council shall, at such meeting, decide whether to hear the petition. In the event the Tribal Council decides to hear the petition, the Governor shall notify all parties of that decision, and of the date on which the Tribal Council shall consider the matter. The Governor shall provide each Tribal Council member with a copy of the Tribal Court decision, the petition for Tribal Council review and the response, if any, and the complete record before the Tribal Court shall be available for inspection by any Tribal Council member. The Tribal Council shall hear each party's representative present its arguments, and shall decide by majority vote whether a license should be issued to the applicant. The Tribal Council's decision shall be final and nonreviewable.

Section 156: TERM; RENEWAL; FEE.

A. Each package or premises license issued hereunder shall have a term of one (1) year from the date of issuance, provided that such license shall be renewable for additional periods of one year each by any licensee who has complied fully with the terms and provisions of the license and of this Liquor Code during the term of the license, and who remains fully qualified to be licensed under the provisions of Section 153 of this Chapter, upon payment to the Pueblo of a license renewal fee in the amount of the initial application fee, and submission of an application for renewal on a form specified by the Liquor License Administrator, no less than thirty (30) days prior to the expiration date of the license. The renewal form shall require the applicant to note any changes in the information submitted with the original license application. The failure to submit a timely renewal application, with the required fee, may subject the licensee to a late charge of $500.00. If the renewal application is not submitted prior to expiration of the license, the Liquor License Administrator may treat the license as having expired, and may require the licensee to file a new application in compliance with Section 154 of this chapter.

B. Upon receipt of an application for renewal of a license, and a recommendation of the Liquor License Administrator, the Governor shall determine whether the licensee has conducted its operations in compliance with the provisions of this Code, and is otherwise qualified to be licensed. In the event the Governor receives information indicating that the licensee has not complied with the provisions of this Code or is otherwise not qualified to be licensed hereunder, the Governor shall deny the application for renewal, giving the licensee written notice thereof with a statement of the reasons for such denial.

C. A licensee may appeal a denial of an application for renewal of its license, by filing a Notice of Appeal with the Office of the Governor and with the Santa Ana Tribal Court, within 30 days of receipt of the Notice of Denial of the application for renewal. Upon receiving the Notice of Appeal, the Governor's office shall prepare a complete copy of the entire file pertaining to the application and shall transmit it to the Tribal Court, with a copy to the applicant. The Pueblo, represented by the Pueblo's attorney, shall appear in the action in the Tribal Court. The proceedings in the Tribal Court shall be based upon the information submitted to the Governor by the licensee and any other information obtained by the Governor in the course of processing the application, except that the licensee shall be permitted to submit additional evidence to rebut or explain information relied on by the Governor for his denial of the application that was not obtained from the licensee. The licensee may apply to the Tribal Court for an order maintaining the license in effect during the pendency of the appeal, but in the absence of such order, the license shall expire at the end of its term. The Tribal Court shall affirm the Governor's decision unless it finds that the Governor acted arbitrarily or capriciously or otherwise abused his discretion in making his determination.

D. Any party that is aggrieved by the decision of the Tribal Court may petition the Tribal Council to review the Tribal Court decision, in writing, within 30 days after issuance of the Tribal Court decision. The petition shall set forth the specific grounds on which the petitioner claims the Tribal Court erred in its decision, and why its decision should be reviewed, and shall be served on the Governor and all parties. The prevailing party may submit a response to the petition within 15 days of service of the petition. The Governor shall place the petition on the agenda of the next Tribal Council meeting after service of the response (or the expiration of the 15-day period, if no response is filed), and the Tribal Council shall, at such meeting, decide whether to hear the petition. In the event the Tribal Council decides to hear the petition, the Governor shall notify all parties of that decision, and of the date on which the Tribal Council shall consider the matter. The Governor shall provide each Tribal Council member with a copy of the Tribal Court decision, the petition for Tribal Council review and the response, if any, and the complete record before the Tribal Court shall be available for inspection by any Tribal Council member. The Tribal Council shall hear each party's representative present its arguments, and shall decide by majority vote whether the license should be renewed. The Tribal Council's decision shall be final and nonreviewable.

Section 157: CONDITIONS OF LICENSE.

No licensee shall have any property interest in any license issued under the provisions of this Liquor Code, and every such license shall be deemed to confer a privilege, revocable by the Pueblo in accordance with the provisions of this Chapter. The continued validity of every package and premises license issued hereunder shall be dependent upon the following conditions:

A. Every representation made by the licensee and any of its officers, directors, shareholders, partners or other persons required to submit information in support of the application, shall have been true at the time such information was submitted, and shall continue to be true, except to the extent the licensee advises the Liquor License Administrator in writing of any change in any such information, and notwithstanding any such change, the licensee shall continue to be

qualified to be licensed under the provisions of this Liquor Code.

B. The licensee shall at all times conduct its business on the Santa Ana Indian Reservation in full compliance with the provisions of this Liquor Code and with the other laws of the Pueblo.

C. The licensee shall maintain in force, public liability insurance covering the licensed premises, insuring the licensee and the Pueblo against any claims, losses or liability whatsoever for any acts or omissions of the licensee or of any business invitee on the licensed premises resulting in injury, loss or damage to any other party, with coverage limits of at least $1 million per injured person, and the Liquor License Administrator shall at all times have written evidence of the continued existence of such policy of insurance.

D. The licensee shall continue to have authority to engage in business within the Development Area, and shall have paid all required rentals, assessments, taxes, or other payments due the Pueblo.

E. The business conducted on the licensed premises shall be conducted by the licensee or its employees directly, and shall not be conducted by any lessee, sublessee, assignee or other transferee, nor shall any license or any interest therein be sold, assigned, leased or otherwise transferred to any other person.

F. All alcoholic beverages sold on the licensed premises shall have been obtained from a New Mexico licensed wholesaler.

G. The licensee shall submit to the jurisdiction of the Tribal Court of the Pueblo with respect to any action brought by the Pueblo or any of its agencies or officials to enforce the provisions of this Liquor Code, or with respect to any action arising out of the licensee's sale or service of alcoholic beverages on the licensed premises.

Section 158: SANCTIONS FOR VIOLATION OF LICENSE.

A. Upon determining that any person licensed by the Pueblo to sell alcoholic beverages under the provisions of this chapter is for any reason no longer qualified to hold such license under the provisions of Section 153 hereof, or has violated any of the conditions set forth in Section 157, the Governor shall immediately serve written notice upon such licensee directing that he show cause within ten (10) calendar days why his license should not be suspended or revoked, or a fine imposed. The notice shall specify the precise grounds relied upon and the action proposed.

B. If the licensee fails to respond to such notice within ten (10) calendar days of service of such notice, the Governor shall issue an order suspending the license for such period as the Governor deems appropriate, or revoking the license, effective immediately, or imposing a fine, in such amount as the Governor deems reasonable. If the licensee, within the 10-day period, files with the Office of the Governor a written response and request for a hearing before the Santa Ana Tribal Court, such hearing shall be set no later than thirty (30) calendar days after receipt of such request.

C. At the hearing, the licensee, who may be represented by counsel, shall present evidence and argument directed at the issue of whether or not the asserted grounds for the proposed action are in fact true, and whether such grounds justify such action. The Pueblo may present such other evidence as it deems appropriate.

D. The court after considering all of the evidence and arguments shall issue a written decision either upholding the proposed action of the Governor, modifying such action by imposing some lesser penalty, or ruling in favor of the licensee, and such decision shall be final and conclusive.

Section 159: SPECIAL EVENT LICENSE.

A. Any person authorized to conduct business within the Development Area, or any established organization (including any agency, department or enterprise of the Pueblo) that includes any member of the Pueblo and that has authority to conduct any activities within the Santa Ana Indian Reservation, that is not a licensee hereunder and that has not had an application for a license rejected, may apply to the Liquor License Administrator for a special event license, which shall entitle the applicant to distribute alcoholic beverages, whether or not for consideration, in connection with a bona fide special event to be held by the applicant within the Development Area. Any such application must be filed in writing, in a form prescribed by the Liquor License Administrator, no later than ten (10) calendar days prior to the event, and must be accompanied by a fee in an amount set by the Liquor License Administrator from time to time, and must contain at least the following information:

1. The exact days and times during which the event will occur (provided, that in no event shall any license be in effect for a period exceeding 72 hours, from the beginning of the first day of the event until the end of the last day);

2. The precise location within the Development Area where the event will occur, and where alcoholic beverages will be distributed;

3. The nature and purpose of the event, and the identity or categories of persons who are invited to participate;

4. The nature of any food and beverages to be distributed, and the manner in which such distribution shall occur;

5. Details of all provisions made by the applicant for sanitation, security and other measures to protect the health and welfare of participants at the event;

6. Certification that the event will be covered by a policy of public liability insurance as described in Section 157(C) of this Liquor Code, that includes the Pueblo as a co-insured, or that the applicant will indemnify the Pueblo and hold it harmless from any claims, demands, liability or expense as a result of the act or omission of any person in connection with the special event, in which latter case the Liquor License Administrator or Governor may require a bond to assure compliance with such indemnification provision.

7. Any other information required by the Liquor License Administrator relative to the event.

B. The Liquor License Administrator, or the Governor, shall act to approve or reject the application no later than three days following submission of the application with the required fee. If the application is approved, the Liquor License Administrator or the Governor shall issue the license, which shall specify the hours during which and the premises within which sales, distribution and consumption of alcoholic beverages may occur. If any application is rejected, the rejection shall indicate the grounds therefor, and the applicant shall be entitled to file a new application correcting any deficiencies or problems found in the original application that warranted the rejection.

C. Alcoholic beverages may be sold or distributed pursuant to a special event license only at the location and during the hours specified in such license, in connection with the special event, only to participants in such special event, and only for consumption on the premises described in the license. Such sales or distribution must comply with any conditions imposed by the license, and with all other applicable provisions of this Liquor Code. All such alcoholic beverages must have been obtained from a New Mexico licensed wholesaler or retailer.

Section 160: DISPLAY OF LICENSE.

Every person licensed by the Pueblo to sell alcoholic beverages within the Santa Ana Indian Reservation shall prominently display the license on the licensed premises during hours of operation.

Subchapter Four: Offenses

Section 181: PURCHASE FROM OR SALE TO UNAUTHORIZED PERSONS.

Within the Santa Ana Indian Reservation, no person shall purchase any alcoholic beverage at retail except from a person licensed by the Pueblo under the provisions of this title; no person except a person licensed by the Pueblo under the provisions of this title shall sell any alcoholic beverage at retail; nor shall any person sell any alcoholic beverage for resale to any person other than a person properly licensed by the Pueblo under the provisions of this title.

Section 182: SALE TO MINORS.

A. No person shall sell or serve any alcoholic beverage to any person under the age of 21 years.

B. It shall be a defense to an alleged violation of this Section that the purchaser presented to the seller or server an apparently valid identification document showing the purchaser's age to be 21 years or older, provided that the seller or server, as the case may be, had no actual or constructive knowledge of the falsity of the identification document, and relied in good faith on its apparent validity.

Section 183: PURCHASE BY MINOR.

No person under the age of 21 years shall purchase, attempt to purchase or possess any alcoholic beverage.

Section 184: SALE TO PERSON UNDER THE INFLUENCE OF ALCOHOL.

No person shall sell any alcoholic beverage to a person who the seller has reason to believe is intoxicated or who the seller has reason to believe intends to provide such alcoholic beverage to an intoxicated person.

Section 185: PURCHASE BY PERSON UNDER THE INFLUENCE OF ALCOHOL.

No intoxicated person shall purchase any alcoholic beverage.

Section 186: DRINKING IN PUBLIC PLACES.

No person shall consume any alcoholic beverage in any public place within the Santa Ana Indian Reservation except on premises licensed by the Pueblo for the sale of alcoholic beverages by the drink.

Section 187: BRINGING LIQUOR ONTO LICENSED PREMISES.

No person shall bring any alcoholic beverage for personal consumption onto any premises within the Santa Ana Indian Reservation where liquor is authorized to be sold by the drink, unless such beverage was purchased on such premises, or unless the possession or distribution of such beverages on such premises is otherwise permitted under the provisions of this Liquor Code.

Section 188: OPEN CONTAINERS PROHIBITED.

No person shall have an open container of any alcoholic beverage in a public place, other than on premises licensed for the sale of alcoholic beverages by the drink, or in any automobile, whether moving or standing still. This Section shall not apply to empty containers such as aluminum cans or glass bottles collected for recycling.

Section 189: USE OF FALSE OR ALTERED IDENTIFICATION.

No person shall purchase or attempt to purchase any alcoholic beverage by the use of any false or altered identification document that falsely purports to show the individual to be 21 years of age or older.

Section 190: PENALTIES.

A. Any person convicted of committing any violation of this Chapter shall be subject to punishment of up to one (1) year imprisonment or a fine not to exceed Five Thousand Dollars ($5,000.00), or to both such imprisonment and fine.

B. Any person not a member of the Pueblo, upon committing any violation of any provision of this Chapter, may be subject to a civil action for trespass, and upon having been determined by the court to have committed the alleged violation, shall be found to have trespassed upon the lands of the Pueblo, and shall be assessed such damages as the court deems appropriate in the circumstances.

C. Any person suspected of having violated any provision of this Chapter shall, in addition to any other penalty imposed hereunder, be required to surrender any alcoholic beverages in such person's possession to the officer making the arrest or issuing the complaint.

Section 191: JURISDICTION.

Any and all actions, whether civil or criminal, arising from or pertaining to alleged violations of this title or any duty imposed hereby, or seeking any relief against the Pueblo or any officer or employee of the Pueblo with respect to any matter addressed by this Liquor Code, shall be brought in the Tribal Court of the Pueblo, which court shall have exclusive jurisdiction thereof. No waiver of this provision shall be implied by any court, and no such waiver shall be valid unless expressly set forth in a written resolution of the Tribal Council.

[FR Doc. 2015–22628 Filed 9–8–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO956000 L14400000.BJ0000]

Notice of Filing of Plats of Survey; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey; Colorado

SUMMARY: The Bureau of Land Management (BLM) Colorado State Office is publishing this notice to inform the public of the official filing of the survey plat listed below. The plat will be available for viewing at *http://www.glorecords.blm.gov.*

DATES: The plat described in this notice was filed on August 21, 2015.

ADDRESSES: BLM Colorado State Office, Cadastral Survey, 2850 Youngfield Street, Lakewood, CO 80215–7093.

FOR FURTHER INFORMATION CONTACT: Randy Bloom, Chief Cadastral Surveyor for Colorado, (303) 239–3856.

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, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The supplemental plat of sections 23 and 24 in Township 5 South, Range 78 West, Sixth Principal Meridian, Colorado, was accepted on August 19, 2015, and filed on August 21, 2015.

Randy Bloom,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 2015–22731 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA930000–L14400000–ET0000; CACA–54196 and CACA–54303]

Public Lands Order No. 7839; Withdrawal for the Trinity Wild and Scenic River; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: Subject to valid existing rights, this order withdraws 3,664 acres of public and National Forest System

lands from location and entry under the United States mining laws for a period of 20 years, to protect the cultural, recreational, and biological resources within and along the Trinity Wild and Scenic River. The lands have been and will remain open to leasing under the mineral and geothermal leasing laws, and disposal of the mineral materials under the Mineral Materials Act of 1947.

DATES: Effective on August 21, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth Easley, BLM California State Office (CA–930), Federal Building (Room W–1928), 2800 Cottage Way, Sacramento, California 95825–1886; 916–978–4673 or Nathan Price, United States Forest Service, Regional Office, R5, 1323 Club Drive, Vellejo, California 94592, 707–562–8963. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact either of the above individuals. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management and the United States Forest Service will manage the lands to protect the cultural, recreational, and biological resources within and along the Wild and Scenic Trinity River, including a $46 million Federal investment restoration of the natural functionality of the river, wetland, and riparian areas, fisheries habitat, and recreation improvements.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from location and entry under the United States mining laws, but not from leasing under the mineral or geothermal leasing laws or disposal under the Mineral Materials Act of 1947, in order to protect the cultural, recreational, and biological resources within and along the Trinity Wild and Scenic River:

Mount Diablo Meridian

(a) Public Lands

T. 33 N., R. 8 W.,
Sec. 18, lot 4, W½SE¼SW¼, SE¼SE¼SW¼, SW¼SW¼NW¼SE¼, and SW¼SW¼SE¼;
Sec. 19, N½NE¼NW¼, N½SW¼NE¼NW¼, and N½SE¼NE¼NW¼.

T. 32 N., R. 9 W.,
Sec. 4, lots 15 and 16;
Sec. 5, lot 5;
Sec. 6, lots 1, 6, 13, 17, and 21 to 26, inclusive, and SE¼NE¼;
Sec. 26, lots 11, 12, and 13, S½SE¼NE¼, and N½NE¼SE¼.

T. 33 N., R. 9 W.,
Sec. 13, lot 1, S½NE¼NE¼, N½SE¼NW¼, and SE¼SE¼NW¼;
Sec. 22, S½SE¼SE¼;
Sec. 23, N½NE¼NE¼NE¼, SE¼NE¼NE¼, SW¼SE¼SW¼NE¼, NE¼SE¼NE¼, S½SE¼NE¼, S½SW¼SW¼SW¼, S½SE¼SW¼SW¼, NE¼SE¼SW¼, S½SE¼SW¼, and S½NW¼SE¼;
Sec. 24, lot 1;
Sec. 27, lot 17;
Sec. 28, lots 4, 7, 8, 9, 12, and 13;
Sec. 29, SE¼NE¼SE¼, NE¼SE¼SE¼, and S½SE¼SE¼;
Sec. 31, SE¼SE¼NE¼ and E½NE¼SE¼;
Sec. 32, N½NE¼NE¼, SW¼NE¼NE¼, NW¼NE¼, NE¼NE¼NW¼, S½NE¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼, W½SW¼NW¼, SW¼SE¼SE¼, W½SE¼SE¼SE¼, and SE¼SE¼SE¼SE¼;
Sec. 34, lot 6.

T. 32 N., R. 10 W.,
Sec. 1, lots 12, 13, and 14, SW¼NW¼, W½SE¼NW¼, W½NE¼SW¼, NW¼SW¼, E½SW¼SW¼, and NE¼SE¼SE¼;
Sec. 2, lot 2, SW¼NE¼, E½NE¼SE¼NW¼, E½SE¼SE¼NW¼, E½NE¼NE¼SW¼, E½SE¼NE¼SW¼, N½SE¼, NE¼SW¼SE¼, and N½SE¼SE¼;
Sec. 12, lots 9 and 10, and NW¼NE¼NE¼NE¼.

T. 33 N., R. 10 W.,
Sec. 7, lot 13;
Sec. 18, lots 13 to 16, inclusive, and 18 to 22, inclusive, and a portion of lot 8 as described in the Donation Grant Deed recorded December 24, 1986 in Book 264, pages 339 and 340, and containing 16.30 acres, more or less, to wit: That portion of Section 18, Township 33 North, Range 10 West, M.D.M., according to the official plat thereof, described as follows: Beginning at the quarter corner common to Sections 19 and 18, Township 33 North, Range 10 West, M.D.M., which point is marked by a brass capped iron pipe monument in a mound of rock set by the Bureau of Land Management in 1962; thence 1. North 0°29′ East, 1318.58 feet to the center south 1/16th corner of said Section 18, which is marked by a brass capped pipe monument in a mound of rock set by the Bureau of Land Management in 1986; thence 2. South 87°21′ East, 772.29 feet along the North line of the Southwest quarter of the Southeast quarter [lot 8] of said Section 18 to a point; thence 3. South 10°51′11″ West 579.13 feet to a point; thence 4. South 37°08′48″ West, 904.48 feet to a point in the South Line of said Section 18, from which the South quarter corner thereof bears North 86°54′ West, 127.55 feet distant; thence 5. North 86°54′ West, 127.55 feet to the point of beginning. This portion of lot 8 has not been officially surveyed and platted.
Sec. 19, lots 11, 13, and 16 to 19, inclusive;
Sec. 20, lot 4;
Sec. 29, lots 7 and 11;
Sec. 32, lots 11, 15, and 16;
Sec. 35, lot 6, E½NE¼SW¼, NE¼SE¼SW¼, and SW¼SE¼.

T. 33 N., R. 11 W.,
Sec. 1, lots 10 and 11;
Sec. 12, lots 8, 9, and 14;
Sec. 13, lot 6.

T. 34 N., R. 11 W.,
Sec. 21, lots 4 and 11 to 14, inclusive, and NW¼NW¼;
Sec. 27, lots 12 and 13;
Sec. 28, lots 3, 4, 6, 7, 9, 10, and 11;
Sec. 34, lots 15, 16, and 19;
Sec. 35, lots 4 and 12;
Sec. 36, lots 2, 3, and 7.

The areas described in (a) aggregate 3,123 acres, more or less, in Trinity County.

(b) National Forest System Lands

Shasta-Trinity National Forest

T. 32 N., R. 10 W.,
Sec. 4, lot 4 except that portion in Mineral Entry Patent 28914 (described as the W½ of said lot 4), SW¼NW¼;
Sec. 5, lot 7 and SE¼NE¼.

T. 33 N., R. 8 W.,
Sec. 8, S½SW¼;
Sec. 18, E½NE¼NE¼ and SE¼SE¼NE¼.

T. 33 N., R. 10 W.,
Sec. 29, lots 8, 9, 10, 15 and 18;
Sec. 30, lots 7 and 8;
Sec. 32, lots 12 and 14, and W½E½NW¼.

The areas described in (b) aggregate 541 acres, more or less, in Trinity County.

The total areas described in (a) and (b) aggregate 3,664 acres in Trinity County.

2. The withdrawal made by this order does not alter the applicability of the public land laws other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order, unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Janice M. Schneider,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 2015–22670 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–6661–E, AA–6661–H, AA–6661–I, AA–6661–A2; LLAK944100–L14100000–HY0000–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: Notice is hereby given that an appealable decision will be issued by the Bureau of Land Management (BLM), approving conveyance of the surface estate in the lands described below to Eklutna, Inc., pursuant to the Alaska Native Claims Settlement Act.

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4. Please see the **SUPPLEMENTARY INFORMATION** section for the time limits for appealing the decision.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION CONTACT: The BLM by phone at 907–271–5960 or by email at *blm_ak_akso_public_room@blm.gov.* Persons who use a Telecommunications Device for the Deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1 800–877–8339 to contact the BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

SUPPLEMENTARY INFORMATION: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision will be issued by the BLM to Eklutna, Inc. The decision approves the surface estate in the lands described below for conveyance pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*). The subsurface estate in these lands will be conveyed to Cook Inlet Region, Inc., when the surface estate is conveyed to Eklutna, Inc.

The lands are located in the vicinity of Eklutna, Alaska, and are described as:

Seward Meridian, Alaska

T. 15 N., R. 4 E.,
Secs. 1 to 36, inclusive.
Containing 22,314.79 acres.
T. 16 N., R. 4 E.,
Secs. 1 to 17, inclusive;
Secs. 22 to 27, inclusive;
Secs. 35 and 36.
Containing 12,541.84 acres.
T. 17 N., R. 4 E.,
Secs. 1 to 17, inclusive;
Secs. 19 to 36, inclusive.
Containing 22,369.19 acres.

Aggregating 57,225.82 acres.

Notice of the decision will also be published once a week for four consecutive weeks in the *Alaska Dispatch News.*

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until October 9, 2015 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

Christy Favorite,

ANCSA Coordinator, Adjudication Services Section.

[FR Doc. 2015–22666 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVE02000.L51100000.GN0000.LVEMF1503680; MO # 4500080339]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Rossi Mine Expansion Project, Elko County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) Tuscarora Field Office, Elko, Nevada, intends to prepare an Environmental Impact Statement (EIS) and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues. The BLM is also soliciting public comments regarding archaeological resources and Native American traditional and cultural values under the National Historic Preservation Act (NHPA).

DATES: Comments on issues may be submitted in writing until October 9, 2015. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site at: *http://www.blm.gov/nv/st/en/fo/elko_field_office.html.* In order to be included in the Draft EIS, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. Additional opportunities for public participation will be available upon the publication of the Draft EIS.

ADDRESSES: You may submit comments related to the Rossi Mine Expansion Project by any of the following methods:

- *Web site: http://www.blm.gov/nv/st/en/fo/elko_field_office.html.*
- *Email: blm_nv_eldo_rossimine_project_eis@blm.gov.*
- *Fax:* 775–753–0255.
- *Mail:* BLM Tuscarora Field Office, Attn. Janice Stadelman, 3900 Idaho Street, Elko, NV 89801.

Documents pertinent to this proposal may be examined at the Tuscarora Field Office.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Janice Stadelman, Project Lead, telephone: 775–753–0346; address: 3900 Idaho Street, Elko, NV 89801; Email: *blm_nv_eldo_rossimine_project_eis@blm.gov.*

SUPPLEMENTARY INFORMATION: Halliburton Energy Services, Inc. (Halliburton) submitted a plan of operations amendment, titled Rossi Mine Expansion Project, to the BLM to approve as proposed the expansion of the existing Rossi Mine. The Rossi Mine Expansion Project is an amendment to the existing Plan of Operations. The proposed action consists of the expansion of the project boundary area; expansion of the existing open pits and development of new open pits; expansion of existing waste rock disposal facilities and construction of new waste rock disposal facilities; expansion of the tailing ponds; expansion and development of haul roads, exploration roads, and access roads, including a public access road; additional exploration; and ancillary facilities. The Rossi Mine is a barite mine that has been in operation since 1947. Currently, the Rossi Mine disturbs

approximately 912 acres, of which 201 acres are on private and 711 acres are on public land. The proposed disturbance acreage would be an additional 1,211 acres (7 private; 1,204 public) for a total disturbance of 2,123 acres (208 private; 1,915 public). The proposed action would expand the mine life for 8 years. The proposed project is located approximately 50 miles northeast of Battle Mountain, Nevada, in Elko County. Employment at the Rossi Mine fluctuates based on the demand for barite. Halliburton employs 24 to 60 people at the jig plant. The mining contractor employs an additional 60 to 300 people.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. At present, the BLM has identified the following preliminary issues: Archaeological resources, grazing, Native American traditional and cultural values, potential pit lakes and the benefits of backfilling open pits, and wildlife, including mule deer migration corridors and sage-grouse habitat.

The BLM will utilize and coordinate the NEPA scoping process to help fulfill the public involvement process under the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed project that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7.

Deborah N. McFarlane,

Acting Field Manager, Tuscarora Field Office.

[FR Doc. 2015–22655 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA930000 L54200000.PN0000 15XL5017AR LVDIB15B5840; CACA 55576]

Disclaimer of Interest in Lands; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of recordable disclaimer of interest.

SUMMARY: Albert Sparks, Kenneth C. Knowles, Joan Kathleen Knowles, and the David L. Sullivan Living Trust (Knowles) have applied for the United States to issue a recordable disclaimer of interest in lands which were patented by the State of California with a reservation to the United States for future use.

DATES: Comments on issues may be submitted in writing until October 9, 2015.

ADDRESSES: You may submit comments or objections to: Associate Deputy State Director, Division of Natural Resources, 2800 Cottage Way, Ste. W–1928, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Deanne Kidd, BLM California State Office, 2800 Cottage Way, Sacramento, California 95825; *dykidd@blm.gov;* (916) 978–4337.

SUPPLEMENTARY INFORMATION: The applicants and the United States agree that the United States holds no remaining interest in the following property although it remains an encumbrance in title reports, and has served as a deterrent to potential buyers. Knowles filed an application requesting the United States to issue a recordable disclaimer of the United States' interest pursuant to Section 315 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745) for the following described lands:

San Bernardino Meridian, California

T. 5 S., R. 1 W.,
Sec. 36, E½SW¼.

The area described contains 80.00 acres, more or less, in Riverside County. The lands described above were conveyed out of Federal ownership to the State of California (State) on January 18, 1907, pursuant to the Act of March 3, 1853 (10 Stat. 244), conveying school lands to the State upon approval of the General Land Office survey for each township. The State subsequently conveyed the lands out of State ownership on March 12, 1931, with the following language:

''subject to rights of way granted to the United States by an act of the Legislature, approved May 18, 1921 (Chapter 173, Statutes of California, 1921), for the uses prescribed in the act of Congress, approved June 17, 1902, relating to irrigation and reclamation.''

The June 17, 1902 Act (Act) grants the United States the authority to study, locate, and construct irrigation works on public lands upon withdrawal of the lands. The California statute referred to in the state patent (Chapter 173, Statutes of California, 1921) grants the United States rights-of-way of construction in contemplation of the Act, and directs that all State patents will be issued subject to the right of way.

The United States asserts that its right to construct rights-of-way on the lands described above was not executed prior to conveyance, and that its authority to execute such a right was extinguished upon issuance of the State patent. The United States therefore has no remaining interest in the lands so described above and proposes to issue a recordable disclaimer of interest to remove the cloud on title.

Authority: 43 CFR 1864.

Danielle Chi,

California Associate Deputy State Director, Division of Natural Resources.

[FR Doc. 2015–22669 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTB07900 15XL1109AF L10100000 PH0000 LXSIANMS0000 MO# 4500083951]

Notice of Public Meeting; Western Montana Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Western Montana Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Western Montana Resource Advisory Council meeting will be held

September 30 and October 1, 2015 in Dillon, Montana. The meeting on September 30 will begin at 9:00 a.m. in the Dillon Field Office conference room, with a 30-minute public comment period starting at 11:30 a.m., and will adjourn at 3:00 p.m. The October 1 portion of the meeting will be a field trip to view BLM projects in the Dillon Field Office area.

ADDRESSES: BLM's Dillon Field Office, 1005 Selway Drive, Dillon, MT.

FOR FURTHER INFORMATION CONTACT: David Abrams, Western Montana Resource Advisory Council Coordinator, Butte Field Office, 106 North Parkmont, Butte, MT 59701, 406–533–7617, *dabrams@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual 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: This 15-member council advises the Secretary of the Interior through the BLM on a variety of management issues associated with public land management in Montana. During this meeting the council will discuss several topics, including a briefing on the BLM's Greater Sage-Grouse Planning Strategy, weed reports from the BLM's Western Montana District, and updates from the BLM's Butte, Missoula and Dillon field offices. All RAC meetings are open to the public. The public may present written comments to the RAC. Each formal RAC meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Authority: 43 CFR 1784.4–2.

Richard M. Hotaling,

District Manager, Western Montana District.

[FR Doc. 2015–22729 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS01000.L58530000.ES0000 241A; N–54133–02; 14–08807; MO# 4500081704 TAS:14X5232]

Notice of Realty Action: Recreation and Public Purposes Lease (N–54133), Change of Use of Public Lands in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Recreation and Public Purposes (R&PP) Act, the State of Nevada requests to change the use of a portion of a previously approved R&PP lease in Clark County, Nevada. The State of Nevada proposes to change the use of 20 acres of an R&PP lease from a park to a Department of Motor Vehicles (DMV) and Peace Officer Training Facility (POTF).

DATES: Interested parties may submit written comments regarding the change of use of the lands until October 26, 2015.

ADDRESSES: Send written comments to the BLM Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130, or email: *kthorpe@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Kerri-Anne Thorpe, 702–515–5196, or *kthorpe@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual 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: The change of use requested by the State of Nevada is consistent with the BLM Las Vegas Resource Management Plan dated October 5, 1998, and would be in the public interest. The use by Clark County of the area subject to the request for a change of use area was previously analyzed under Environmental Assessment NV–050–0–8 dated July 16, 1986. A notice was published in the **Federal Register** on July 24, 1986 (51 FR 26604), to designate approximately 310 acres for use as a park site, under the R&PP Act. The lease was issued to Clark County on January 8, 1997. On May 13, 1991, Clark County relinquished 20 acres in their application to allow the State of Nevada to apply for an R&PP lease for a DMV and POTF. The BLM approved the State of Nevada application, but failed to process a change of use for the parcel. The State of Nevada now requests that the BLM change the use of the 20 acres of the R&PP lease from a park to a DOTF and POTF so that they may purchase these lands that are currently used under a lease. Environmental Assessment NV–054–092–42 was prepared on October 30, 1991, to review this proposed change in use. The parcel of land is located on the corner of Flamingo Road and South Cimmaron Road in Las Vegas, Nevada, and is legally described as:

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Sec. 16, E½SE¼SW¼.

The change of use area described contains 20 acres.

The change of use area from a park site to a DMV and POTF will consist of a full service DMV building and a Peace Officer Standards and Training Facility building with related facilities. Related facilities include a warehouse, motorcycle test course, parking lots, landscaping, lighting, walkways, drainage, irrigation, restrooms, concessions, utilities and ancillary improvements. Additional detailed information pertaining to this application, plan of development, and site plan is in case file N–54133, which is located at the BLM, Las Vegas Field Office at the address listed above.

The land is not required for any other Federal purpose. The change of use of 20 acres from a park site to a DMV and POTF is consistent with the BLM Las Vegas Resource Management Plan dated October 5, 1998, and would be in the public interest. The State of Nevada, a qualified applicant under the R&PP Act, has not applied for more than the 6,400-acre limitation consistent with the regulation at 43 CFR 2741.7(a)(1), and has submitted a statement in compliance with the regulation at 43 CFR 2741.4(b).

The change of use of the public land shall be subject to valid existing rights as previously published. Upon publication of this notice in the **Federal Register**, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease and/or subsequent conveyance under the R&PP Act, leasing under the mineral laws, and disposals under the mineral material disposal laws.

Interested parties may submit written comments on the suitability of the land for use as a DMV and POTF. Interested parties may also submit written comments regarding the specific use

proposed in the application and plan of development, and whether the BLM followed proper administrative procedures in reaching the decision to change the use from a park to a DMV and POTF under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment-including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments will be reviewed by the BLM Nevada State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the decision will become effective on November 9, 2015.

Authority: 43 CFR 2741.5(h).

Vanessa L. Hice,

Assistant Field Manager, Las Vegas Field Office.

[FR Doc. 2015–22644 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMA02000 L54200000.FR0000 LVDIG15ZGKL0]

Notice of Application for a Recordable Disclaimer of Interest: New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: An application has been filed with the Bureau of Land Management (BLM) by Charles J. Muncy, Jr., for a Recordable Disclaimer of Interest from the United States pursuant to Section 315 of the Federal Land Policy and Management Act of 1976, as amended (FLPMA), and the regulations in 43 CFR subpart 1864 for the surface estate of land lying between certain deeded lands and the adjusted left bank of the Rio Grande in Socorro County, New Mexico. This notice is intended to inform the public of the pending application and provide a public comment period for the Disclaimer of Interest.

DATES: Comments on this action should be received by December 8, 2015.

ADDRESSES: Written comments must be filed with the Deputy State Director, Lands and Resources, BLM, New Mexico State Office, P.O. Box 27115, Santa Fe, NM 87502 or 301 Dinosaur Trail, Santa Fe, NM 87508.

FOR FURTHER INFORMATION CONTACT: Virginia Alguire, Realty Specialist, telephone number (575) 838–1290. Additional information pertaining to this application can be reviewed in case file NMNM 132601 located in the Socorro Field Office, 901 S. Highway 85, Socorro, NM 87801. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Pursuant to Section 315 of the FLMPA, Charles J. Muncy, Jr., filed an application for a Disclaimer of Interest for the land described as follows:

New Mexico Principal Meridian, New Mexico

T. 2 S., R. 1 E.,
Sec. 6, lots 2 thru 6 and SW1/4NE1/4;
Sec. 7, lot 3.

Containing 155.16 acres, more or less. The BLM review of the land status records indicate that the west boundaries of the deeded parcels extend to the medial line of the current location of the Rio Grande due to accretion. All available land status records indicate the river has gradually shifted to the west. By this action the United States of America hereby releases and relinquishes any claim of interest to the above described land.

The public is hereby notified that comments may be submitted to the Deputy State Director at the address shown above within the comment period identified above. Any adverse comments will be evaluated by the State Director who may modify or vacate this action and issue a final determination. In the absence of any action by the State Director, this notice will become the final determination of the Department of the Interior and a disclaimer may be issued 90 days from publication of this notice.

All persons who wish to present comments, suggestions, or objections in connection with the proposed disclaimer may do so by writing to the Deputy State Director, Lands and Resources at the above address. Comments, including names and street addresses of commenters, will be available for public review at the BLM New Mexico State Office (see address above), during regular business hours, Monday through Friday, except Federal holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment–including your personal identifying information–may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 1864.2(a).

James K. Stovall,

Acting Deputy State Director, Lands and Resources.

[FR Doc. 2015–22663 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAKA02000.L14300000.NJ0000]

Notice of Realty Action: Proposed Non-Competitive (Direct) Sale of Public Land in Slana, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty action.

SUMMARY: The Bureau of Land Management (BLM) is proposing a non-competitive (direct) sale of 5 acres of public land in Slana, Alaska, to the adjacent private landowner, Mr. Frederick Voight. The sale would take place under the provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), at no less than the appraised fair market of value (FMV) of $5,500, to resolve an unauthorized use of public lands as a result of a failed homestead headquarters site claim.

DATES: The BLM must receive written comments regarding the proposed sale on or before October 26, 2015.

ADDRESSES: You may submit comments concerning this notice to BLM Glennallen Field Office, Attn: Dennis Teitzel, Field Manager, P.O. Box 147, Glennallen, AK 99588–0147.

FOR FURTHER INFORMATION CONTACT: Joseph Hart, Realty Specialist, phone 907–822–3217, at the above address. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or question for the above individual. The FIRS is available 24 hours a day, 7 days a week. You will

receive a reply during the normal business hours.

SUPPLEMENTARY INFORMATION: The BLM will conduct a direct sale for the following parcel subject to the applicable provisions of Sections 203 and 209 of FLPMA, and 43 CFR parts 2711 and 2720:

Copper River Meridian, Alaska

T. 12 N., R. 9 E.
Sec. 12, E½NW¼SW¼NW¼.

The area described contains 5 acres.

The sale is in conformance with the East Alaska Resource Management Plan, approved September 2007, decision I–3–b–1, which allows the BLM to enter into a direct sale of public land at FMV to a failed claimant where improvements exist that are still owned, occupied, or used by the claimant. The BLM will offer the lands to Mr. Frederick Voight on a non-competitive basis pursuant to 43 CFR 2711.3–3 (a)(4), because a direct sale would best serve the public interest in order to resolve the unauthorized use or occupancy of the lands.

The BLM has completed a mineral potential report that concludes there are no locatable mineral values. The BLM proposes that conveyance of the Federal mineral interests would occur simultaneously with the sale of the land.

Upon publication of this Notice in the **Federal Register**, the described lands will be segregated from all forms of appropriation under the public land laws, including the mining laws, except for the sale provisions of FLPMA.

Until completion of the sale, the BLM will no longer accept land use applications affecting the identified public lands, except applications for the amendment of previously filed right-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The land would not be sold until at least November 9, 2015. The segregation terminates upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or on September 8, 2017, unless extended by the BLM Alaska State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date. Mr. Voight would be required to pay a $50 nonrefundable filing fee for processing the conveyance of the mineral interests. Conveyance of the identified public land will be subject to valid existing rights and encumbrances of record, including but not limited to, rights-of-way for roads and public utilities. The patent, if issued, would be subject to the following terms, conditions, and reservations:

1. A reservation of a right-of-way to the United States for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945);

2. A condition that the conveyance be subject to valid existing rights of record;

3. An appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or operations on the patented lands; and

4. Additional terms and conditions that the authorized officer deems appropriate.

Detailed information concerning the proposed land sale including an appraisal, a mineral report, and planning and environmental documents, are available for review at the BLM Glennallen Field Office at the above address or by calling 907–822–3217 during normal business hours of 8 a.m.–4:30 p.m., Monday through Friday, except for Federal holidays.

You may submit public comments regarding the sale in writing to the attention of the BLM, Glennallen Field Manager (see **ADDRESSES** above) on or before October 26, 2015. The BLM will not consider comments received in electronic form, such as email or facsimile.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments regarding this sale will be reviewed by the BLM State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior.

Authority: 43 CFR 2710 and 2711.1–2(a) and (c).

Dated: March 20, 2015.

Callie Webber,

Acting District Manager, Anchorage District.

[FR Doc. 2015–22656 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–RICH–18665; PS.SRICH0026.00.1]

Minor Boundary Revision at Richmond National Battlefield Park

AGENCY: National Park Service, Interior.

ACTION: Notification of boundary revision.

SUMMARY: The boundary of Richmond National Battlefield Park is modified to include 165.69 acres of land, more or less, located in Henrico County, Virginia, consisting of four parcels immediately adjoining the boundary of Richmond National Battlefield Park. Subsequent to the proposed boundary revision, the National Park Service will acquire the lands by purchase from The Civil War Preservation Trust, a nonprofit conservation organization.

DATES: The effective date of this boundary revision is September 9, 2015.

ADDRESSES: The map depicting this boundary revision is available for inspection at the following locations: National Park Service, Land Resources Program Center, Northeast Region, New England Office, 115 John Street, 5th Floor, Lowell, MA 01852, and National Park Service, Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Deputy Realty Officer Rachel McManus, National Park Service, Land Resources Program Center, Northeast Region, New England Office, 115 John Street, 5th Floor, Lowell, MA 01852, telephone (978) 970–5260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 54 U.S.C. 100506(c), the boundary of Richmond National Battlefield Park is modified to include four adjoining tracts containing 165.69 acres of land. The boundary revision is depicted on Map No. 367/127333, dated November 24, 2014.

54 U.S.C. 100506(c) provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior is authorized to make this boundary revision upon publication of notice in the **Federal Register**. The Committees have been notified of this boundary revision. This boundary revision and subsequent acquisition will ensure preservation and protection of the battlefield park's scenic and historic resources.

Dated: July 14, 2015.

Gay E. Vietzke,

Deputy Regional Director, Northeast Region.

[FR Doc. 2015–22691 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–19122: PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before August 15, 2015. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by September 24, 2015. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 20, 2015.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

ARKANSAS

Conway County

South Howard Street Historic District, 203, 205, 207, 209 & 211 S. Howard St., Morrilton, 15000630

Cross County

Ogan, Servetus W., House, 504 E. Forrest Ave., Wynne, 15000624

Hot Spring County

Lawyers' Row Historic District, 118, 120, 130, 132 W. 2nd St., Malvern, 15000625

Malvern Commercial Historic District, Bounded by W. 1st., S. Main, W. 5th & Locust Sts., Malvern, 15000626

Lawrence County

Lawrence County Courthouse, 315 W. Main St., Walnut Ridge, 15000627

Mississippi County

Blytheville Air Force Base Capehart Housing Historic District, Roughly bounded by Village Ave., Northside, Cypress Dr., Hemlock, Westminster, Apricot, Azalea & Pigeon Sts., Blytheville, 15000628

Monroe County

Highway 79 Bridge (Boundary Increase and Additional Documentation), US 79 over White R., Clarendon, 15000629

Pulaski County

Jacksonville Commercial Historic District, 1st from Mulberry to W. Hickory Sts., Jacksonville, 15000631

Matthews—Storey House, 8115 Ascension Rd., Little Rock, 15000632

Stowers, Dan, Office Building, 1516 W. 3rd St., Little Rock, 15000633

Strauss, Sam and Shirley, House, 4 Sunset Dr., Cammack Village, 15000634

CALIFORNIA

Riverside County

Carey House, (Architecture of Albert Frey MPS), 651 W. Via Escuela, Palm Springs, 15000635

Fire Station No. 1, (Architecture of Albert Frey MPS), 277 N. Indian Canyon Dr., Palm Springs, 15000636

Frey House II, (Architecture of Albert Frey MPS), 686 Palisades Dr., Palm Springs, 15000637

Kocher—Samson Building, (Architecture of Albert Frey MPS), 766 N. Palm Canyon Dr., Palm Springs, 15000638

Loewy House, (Architecture of Albert Frey MPS), 600 Panorama Rd., Palm Springs, 15000639

North Shore Yacht Club, (Architecture of Albert Frey MPS), 99–155 Sea View Dr., Mecca, 15000640

Palm Springs City Hall, (Architecture of Albert Frey MPS), 3200 E. Tahquitz Canyon Way, Palm Springs, 15000641

Palm Springs Tramway Valley Station, (Architecture of Albert Frey MPS), 1 Tram Way, Palm Springs, 15000642

Sieroty House, (Architecture of Albert Frey MPS), 695 E. Vereda Sur, Palm Springs, 15000643

Town and Country Center, 146, 156–166, 168, 174 N. Palm Canyon Dr., 167–181 N. Indian Canyon Dr., Palm Springs, 15000644

Tramway Gas Station, (Architecture of Albert Frey MPS), 2901 N. Palm Canyon Dr., Palm Springs, 15000645

San Bernardino County

Judson and Brown Ditch, Crosses San Bernardino FCD Rd., Redlands, 15000646

KENTUCKY

Calloway County

Swann, W.G., Tobacco Company, 111 Poplar St., Murray, 15000647

Christian County

Baldwin, C.A., Farmstead, 2680 Masonville—Beverly Rd., Hopkinsville, 15000648

Daviess County

Kentucky Buggy Company Building, 301 E. 9th St., Owensboro, 15000649

Fayette County

Peoples Federal Savings and Loan Association, 343 S. Broadway, Lexington, 15000650

Jefferson County

Goose, Roscoe, House, 3012 S. 3rd St., Louisville, 15000651

Jessamine County

First Vineyard, 5800 Sugar Creek Pike, Nicholasville, 15000656

Kenton County

Duveneck, Frank, House and Studio, 1226 Greenup St., Covington, 15000652

Magoffin County

Gardner Farmstead, Licking Station Rd., Salyersville, 15000653

McCreary County

Stearns Golf Course, 131 Clubhouse Dr., Stearns, 15000654

Ohio County

Ceralvo Masonic Hall and School, 942 Ceralvo Rd., Centertown, 15000655

Warren County

Causey, L.K., House, (Architecture of James Maurice Ingram MPS), 936 Covington St., Bowling Green, 15000657

Givens, J.C., House, (Architecture of James Maurice Ingram MPS), 814 Covington St., Bowling Green, 15000658

Moore, Charles M., Insurance Company, 1007 State St., Bowling Green, 15000659

MASSACHUSETTS

Hampden County

Adams Apartment Building, 71 Adams St., Springfield, 15000660

Evans Court Apartment Building, 22–24 Winthrop St., Springfield, 15000661

Hancock Apartment Building, 116–118 Hancock, 130 Tyler Sts., Springfield, 15000662

Ivernia Apartment Building, 91–93 Pine St., Springfield, 15000663

MISSISSIPPI

Harrison County

Broadmoor Place Historic District, Roughly bounded by Pine & Cypress Aves., 25th & 22nd Sts., Gulfport, 15000665

Soria City Historic District, Roughly bounded by 17th & Bullis Aves., 21st, 22nd & 20th Sts., Gulfport, 15000666

Warren County

South Drummond Street Neighborhood Historic District, Roughly bounded by Bowmar & Confederate Aves., Yerger, Green, 2nd, Oak Hill & Polk Sts., Halls Ferry Rd., Vicksburg, 15000667

NEW HAMPSHIRE

Carroll County

Bartlett Roundhouse, S. of US 302 between Pine St. & Albany Ave., Bartlett, 15000664

Grafton County

Bristol Town Hall, 45 Summer St., Bristol, 15000668

Owls Head, 289 W. Shore Rd., Hebron, 15000669

Strafford County

Rollinsford Grade School, 487 Locust St., Rollinsford, 15000670

Somoresworth High School, 17 Grand St., Somersworth, 15000671

NEW YORK

Broome County

Endicott-Johnson Medical Clinic, 305 Clinton St., Binghamton, 15000672

Lithuanian National Association Hall, 315 Clinton St., Binghamton, 15000673

Erie County

American Radiator Company Factory Complex, 1801–1809 Elmwood Ave., Buffalo, 15000674

OHIO

Lake County

Lawnfield—James A. Garfield Estate (Boundary Increase and Additional Documentation), 8095 Mentor Ave., Mentor, 15000675

SOUTH CAROLINA

Colleton County

St. James the Greater Catholic Mission, 3087 Ritter Rd., Walterboro, 15000676

UTAH

Salt Lake County

Erickson Artillo Dairy Farmhouse, (Murray City, Utah MPS), 5419 S. 900 E., Murray, 15000677

Western General Agency Building, 780 E. South Temple St., Salt Lake City, 15000678

VIRGINIA

Colonial Heights Independent city

Violet Bank Historic District, Lee, Lafayette, Hamilton, Cameron, Virginia, & Royal Oak Aves., Arlington Place, Colonial Heights (Independent City), 15000679

Petersburg Independent city

Petersburg Trailways Bus Station, 108 E. Washington St., Petersburg (Independent City), 15000680

A request to move has been received for the following resources:

ARKANSAS

Jackson County

Jackson Guards Memorial, (Civil War Commemorative Sculpture MPS), Jacksonport State Park, jct. of Washington and Avenue Sts., Jacksonport, 96000465

PENNSYLVANIA

Dauphin County

Star Barn Complex, Nissley Dr. at PA 283, Lower Swatara, 00000845

A request for removal has been received for the following resources:

ARKANSAS

Baxter County

North Fork Bridge, (Historic Bridges of Arkansas MPS), AR 5, over North Fork of the White R., Norfork, 90000512

Conway County

Morrilton Colored School, (Public Schools in the Ozarks MPS), 906 W. Rock St., Morrilton, 14000245

Garland County

Wheatley Courts, (Arkansas Highway History and Architecture MPS), 811 Park Ave., Hot Springs, 04000006

Nevada County

Wortham Gymnasium, AR 200, Oak Grove, 90000667

White County

Judsonia High School Gymnasium, (White County MPS), Roadman Ave., Judsonia, 91001232

MAINE

Penobscot County

Morse Bridge, Valley Ave., over Kenduskeag Stream, Bangor, 70000060

Sagadahoc County

SEQUIN (tugboat), Bath Marine Museum, Bath, 69000013

York County

Gerrish Warehouse, Pepperrell Cove off ME 103, Kittery, 77000140

[FR Doc. 2015–22619 Filed 9–8–15; 8:45 am]

BILLING CODE 4312–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0019; DS63610000 DR2PS0000.CH7000 156D0102R2]

Agency Information Collection Activities: Accounts Receivable Confirmations—OMB Control Number 1012–0001; Comment Request

AGENCY: Office of Natural Resources Revenue (ONRR), Department of the Interior.

ACTION: Notice of renewal of an existing Information Collection; withdrawal.

SUMMARY: On August 25, 2015, the Office of Natural Resources Revenue (ONRR) published (at 80 FR 51595) a notice of renewal (with a 60-day comment period) to invite comments on an information collection request. This notice of renewal is withdrawn.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Mr. Luis Aguilar, Regulatory Specialist, ONRR, telephone (303) 231–3418, or email *Luis.Aguilar@onrr.gov.*

Dated: August 31, 2015.

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2015–22615 Filed 9–8–15; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR04073000, XXXR4081X3, RX.05940913.7000000]

Glen Canyon Dam Adaptive Management Work Group Charter Renewal

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior (Secretary) is renewing the charter for the Glen Canyon Dam Adaptive Management Work Group. The purpose of the Adaptive Management Work Group is to provide advice and recommendations to the Secretary concerning the operation of Glen Canyon Dam and the exercise of other authorities pursuant to applicable Federal law.

FOR FURTHER INFORMATION CONTACT: Linda Whetton, 801–524–3880.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 (Public Law 92–463, as amended). The certification of renewal is published below.

Certification

I hereby certify that Charter renewal of the Glen Canyon Dam Adaptive Management Work Group is in the public interest in connection with the performance of duties imposed on the Department of the Interior.

Sally Jewell,

Secretary of the Interior.

[FR Doc. 2015–22732 Filed 9–8–15; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 156S180110; S2D2S SS08011000 SX064A000 15X501520]

Action Subject to Intergovernmental Review

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement, are notifying the public that we intend to grant funds to eligible applicants for purposes authorized under the Abandoned Mine Land (AML) Reclamation Program. Additionally we are notifying the public that we intend to grant funds to eligible applicants for regulating coal mining within their jurisdictional borders. We will award these grants during fiscal year 2016.

DATES: A state single point of contact and other interested state or local entities may submit written comments regarding AML and regulatory funding by December 31, 2015.

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

- *Electronic mail:* Send your comments to *jbautista@osmre.gov.*
- *Mail, hand-delivery, or courier:* Send your comments to Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 252–SIB, 1951 Constitution Avenue NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Jay Bautista, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., MS 130–SIB, Washington, DC 20240; Telephone (202) 208–7411.

SUPPLEMENTARY INFORMATION:

Grant Notification

We are notifying the public that we intend to grant funds to eligible applicants for purposes authorized under the Abandoned Mine Land (AML) Reclamation Program. Additionally we are notifying the public that we intend to grant funds to eligible applicants for regulating coal mining within their jurisdictional borders. We will award these grants during fiscal year 2016. Eligible applicants are those states and tribes with a regulatory program or reclamation plan approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.,* and the State of Tennessee. Under Executive Order (E.O.) 12372, we must provide state and tribal officials the opportunity to review and comment on proposed federal financial assistance activities. Of the eligible applicants, nineteen states and tribes do not have single points-of-contact under the E.O. 12372 review process; therefore, we are required to publish this notice as an alternate means of notification.

Description of the AML Program

SMCRA established the Abandoned Mine Reclamation Fund to receive the AML fees used to finance reclamation of AML coal mine sites. Grants to eligible states and tribes are funded from permanent (mandatory) appropriations. Recipients use these funds to reclaim the highest priority AML coal mine sites that were left abandoned prior to the enactment of SMCRA in 1977, eligible non-coal sites, and for non-reclamation projects.

Description of the Regulatory Program

Title VII of SMCRA authorizes us to provide grants to states and Indian tribes to develop, administer, and enforce state regulatory programs addressing surface coal mining operations. Title V and Title VII authorize states and tribes to develop regulatory programs pursuant to SMCRA, and upon approval of regulatory programs, to assume regulatory primacy and act as the regulatory authority, and to administer and enforce their respective approved SMCRA regulatory programs. Our regulations at 30 CFR Chapter VII implement the provisions of SMCRA.

Dated: August 20, 2015.

Joseph G. Pizarchik,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2015–22725 Filed 9–8–15; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1092 (Review)]

Diamond Sawblades and Parts Thereof from China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930, that revocation of the antidumping duty order on diamond sawblades and parts thereof from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), instituted this review on November 4, 2014 (79 FR 65420) and determined on January 22, 2015 that it would conduct a full review (80 FR 5136, January 30, 2015). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on January 30, 2015 (80 FR 5136). The hearing was held in Washington, DC, on June 23, 2015, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). It completed and filed its determination in this review on September 2, 2015. The views of the Commission are contained in USITC Publication 4559 (September 2015), entitled *Diamond Sawblades and Parts Thereof from China: Investigation No. 731–TA–1092 (Review).*

By order of the Commission.

Issued: September 2, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–22612 Filed 9–8–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Chattem Chemicals 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 October 9, 2015. Such persons may also file a written request for a hearing on the application pursuant to

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Kieff is recused from this review.

21 CFR 1301.43 on or before October 9, 2015.

ADDRESS: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODXL, 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 requests 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 July 22, 2015, Chattem Chemicals, Inc., 3801 St. Elmo Avenue, Chattanooga, Tennessee 37409 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Methamphetamine (1105)	II
4-Anilino-N-phenethyl-4-piperidine (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 manufacturer tapentadol (9780) for distribution to its customers. The company plans to import Phenylacetone (8501) in bulk for the manufacture of a controlled substance.

Dated: September 1, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–22624 Filed 9–8–15; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Akorn, 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 October 9, 2015. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before October 9, 2015.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODXL, 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 May 14, 2015, Akorn, Inc., 1222 W. Grand Avenue, Decatur, Illinois 62522 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 in dosage form for distribution.

Dated: September 1, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–22625 Filed 9–8–15; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: PCAS-Nanosyn, LLC

ACTION: Notice of registration.

SUMMARY: PCAS-Nanosyn, LLC applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants PCAS-Nanosyn, LLC registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION:

By notice dated May 15, 2015, and published in the **Federal Register** on May 21, 2015, 80 FR 29336, PCAS-Nanosyn, LLC, 3331–B Industrial Drive, Santa Rosa, California 95403 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 PCAS-Nanosyn, 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 basic classes of controlled substances:

Controlled substance	Schedule
Oxycodone (9143)	II
Oripavine (9330)	II
Oxymorphone (9652)	II
Fentanyl (9801)	II

The company is a contract manufacturer. At the request of the company's customers, it manufacturers

derivatives of controlled substances in bulk form.

Dated: September 1, 2015

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–22626 Filed 9–8–15; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

178th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Teleconference Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 178th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held as a teleconference on September 30, 2015.

The meeting will take place in C5320 room 6, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Public access is available only in this room (*i.e.* not by telephone). The meeting will run from 9:00 a.m. to approximately 4:00 p.m. The purpose of the open meeting is to discuss reports/recommendations for the Secretary of Labor on the issues of (1) Model Notices and Plan Sponsor Education on Lifetime Plan Participation and (2) Model Notices and Disclosures for Pension Risk Transfers. Descriptions of these topics are available on the Advisory Council page of the EBSA Web site at *http://www.dol.gov/ebsa/aboutebsa/erisa_advisory_council.html.*

Organizations or members of the public wishing to submit a written statement may do so by submitting 30 copies on or before September 23, 2015 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted as email attachments in rich text, Word, or pdf format transmitted to *good.larry@dol.gov.* It is requested that statements not be included in the body of an email. Statements deemed relevant by the Advisory Council and received on or before September 23 will be included in the record of the meeting and will be available to anyone by contacting the EBSA Public Disclosure Room. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693–8668. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by September 23, 2015 at the address indicated.

Signed at Washington, DC, this 2nd day of September, 2015.

Judith Mares,

Deputy Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2015–22643 Filed 9–8–15; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings; Notice

The National Science Board's *ad* hoc Task Force on NEON Performance and Plans, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of a meeting for the transaction of National Science Board business, as follows:

TIME AND DATE: Friday, September 4, 2015 at 4–5 p.m. EDT.

PLACE: This meeting will be held by teleconference originating at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Task Force Chair's opening remarks; review and discussion of the Task Force charge, and discussion of the status of the NEON project.

CONTACT PERSON FOR MORE INFORMATION: Please refer to the National Science Board Web site (*www.nsf.gov/nsb*) for information or schedule updates, or contact: John Veysey (*jveysey@nsf.gov*), National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Nadene Kennedy,

Polar Coordination Specialist.

[FR Doc. 2015–22727 Filed 9–4–15; 11:15 am]

BILLING CODE 7555–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Representative Payee Application, RI 20–007 and Information Necessary for a Competency Determination, RI 30–3, 3206–0140

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0140, Representative Payee Application, RI 20–7; Information necessary for a competency determination, collects medical information regarding the annuitant's competency in evaluating the annuitant's condition, RI 30–3. As required by the Paperwork Reduction Act of 1995 (Pub. Law 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until November 9, 2015. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, Room 2349, or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20415, Attention: Cyrus S. Benson or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION:

The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;

2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

RI 20–7 is used by the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) to collect information from persons applying to be fiduciaries for annuitants or survivor annuitants who appear to be incapable of handling their own funds or for minor children. RI 30–3 collects medical information regarding the annuitant's competency for OPM's use in evaluating the annuitant's condition.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Representative Payee Application.

OMB Number: 3206–0140.

Frequency: Annually.

Affected Public: Individuals or Households.

Number of Respondents: 12,480 *(RI 20–7);* 250 *(RI 30–3).*

Estimated Time per Respondent: 30 minutes *(RI 20–7);* 60 minutes *(RI 30–3).*

Total Burden Hours: 6,490.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2015–22710 Filed 9–8–15; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0172, Application for Death Benefits Under the Federal Employees Retirement System (SF 3104); and Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death (SF 3104B)

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0172, Application for Death Benefits under the Federal Employees Retirement System and Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. This information collection was previously published in the **Federal Register** on December 8, 2014 at Volume 79 FR 72711 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until October 9, 2015. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

SF 3104, Application for Death Benefits under the Federal Employees Retirement System, is needed to collect information so that OPM can pay death benefits to the survivor of Federal employees and annuitants. SF 3104B, Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death, is needed for deaths in service so that survivors can make the needed elections regarding health benefits, military service and payment of the death benefit.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Death Benefits under the Federal Employees Retirement System and Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death.

OMB: 3206–0172.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: SF 3104 = 12,734 and SF 3104B = 4,017.

Estimated Time per Respondent: 60 minutes.

Total Burden Hours: 16,751.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2015–22704 Filed 9–8–15; 8:45 am]

BILLING CODE 6325–38–P

RAILROAD RETIREMENT BOARD

Privacy Act of 1974, as amended; Notice of Computer Matching Program (Railroad Retirement Board and Commercial Employment Verification Providers)

AGENCY: Railroad Retirement Board (RRB).

ACTION: Notice of creating a new computer-matching program with commercial employment verification providers.

SUMMARY: As required by the Privacy Act of 1974, as amended, the RRB is issuing public notice of its intent to create a new computer-matching program with commercial employment verification providers. The purpose of this notice is to advise individuals

applying for or receiving benefits under the Railroad Retirement Act and/or the Railroad Unemployment Insurance Act to use information obtained from these providers to verify eligibility for benefits.

DATES: This matching program becomes effective as proposed without further notice on October 19, 2015. We will file a report of this computer-matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB).

ADDRESSES: Interested parties may comment on this publication by writing to Ms. Martha P. Rico, Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy Grant, Chief Privacy Officer, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092, telephone 312–751–4869 or email at *tim.grant@rrb.gov.*

SUPPLEMENTARY INFORMATION:

A. General

The Privacy Act of 1974, (5 U.S.C. 552a) as amended by the Computer Matching and Privacy Protection Act of 1988, (Pub. L. 100–503), requires a Federal agency participating in a computer matching program to publish a notice in the **Federal Register** for all matching programs.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records contained in a Privacy Act System of Records are matched with other Federal or non-Federal agency records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the approval of the matching agreement by the Data Integrity Boards (DIB) of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. RRB Computer Matches Subject to the Privacy Act

We have taken appropriate action to ensure that this computer matching program complies with the requirements of the Privacy Act, as amended.

Notice of Computer Matching Program: RRB and Commercial Employment Verification Providers

A. Name of Participating Agencies

Railroad Retirement Board (RRB) and Commercial Employment Verification Providers.

B. Purpose of the Matching Program

The purpose of the RRB conducting matches with commercial employment verification providers is to ensure beneficiaries applying for and/or receiving benefits are entitled to them. We will conduct two types of matches. The first match will be daily online queries submitted when individuals apply for benefits under either the Railroad Retirement Act (RRA) or the Railroad Unemployment Insurance Act (RUIA). The second match will be batch processing (frequency to be determined) of those individuals who have applied for, or are receiving RRA or RUIA benefits.

C. Authority for Conducting the Match

The Railroad Retirement Board is authorized by the Railroad Retirement Act (RRA) of 1974, 45 U.S.C. 231(f), et. seq. and the Railroad Unemployment Insurance Act (RUIA), 45 U.S.C. 362, et. seq. to administer these benefit programs by paying benefits only to qualified beneficiaries.

D. Categories of Records and Individuals Covered

The RRB will provide a list of beneficiary social security numbers to the commercial employment verification provider to conduct the match. If there is a match, the commercial employment verification provider will notify the RRB with earnings and employment related information, specifically: Matched employees name, employer information (name, address, and identification number), and employer reported earnings.

The applicable RRB Privacy Act Systems of Records and their **Federal Register** citation used in the matching program are:

1. RRB–21, Railroad Unemployment and Sickness Insurance Benefit Systems; 80 FR 28016 (May 15, 2015), and

2. RRB–22, Railroad Retirement, Survivor, Pensioner Benefit System; 80 FR 28018 (May 15, 2015).

E. Inclusive Dates of the Matching Program

This matching program will become effective October 19, 2015. or 40 days after approval of the agreement, by the RRB DIB, is sent to Congress and the OMB, whichever date is later. The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

Dated: September 3, 2015.

By authority of the Board.

Martha P. Rico,

Secretary to the Board.

[FR Doc. 2015–22640 Filed 9–8–15; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75813; SR–NYSEArca–2015–02]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, As Modified by Amendment No. 1 Thereto, To Amend NYSE Arca Equities Rule 8.600 To Adopt Generic Listing Standards for Managed Fund Shares

September 2, 2015.

On February 17, 2015, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Arca Equities Rule 8.600 to adopt generic listing standards for Managed Fund Shares.[3] The proposed rule change was published for comment in the **Federal Register** on March 10, 2015.[4] The Commission initially received three comment letters on the proposal.[5] On April 17, 2015, pursuant

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Managed Fund Share'' is defined in NYSE Arca Equities Rule 8.600(c)(1).

[4] *See* Securities Exchange Act Release No. 74433 (Mar. 4, 2015), 80 FR 12690.

[5] *See* letter dated March 31, 2015 from Anonymous; letter dated March 31, 2015 from Dorothy Donohue, Deputy General Counsel, Securities Regulation, Investment Company Institute, to Brent J. Fields, Secretary, Commission; and letter dated March 31, 2015 from Thomas E. Faust Jr., Chairman and Chief Executive Officer,

to section 19(b)(2) of the Act,[6] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[7] On June 3, 2015, the Exchange filed Amendment No. 1 to the proposed rule change. On June 11, 2015, the Commission published a notice of filing of Amendment No. 1 to the proposed rule change and an order instituting proceedings under section 19(b)(2)(B) of the Act[8] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1 thereto.[9] The Commission subsequently received one additional comment letter on the proposal.[10]

Section 19(b)(2) of the Act[11] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of the filing of the proposed rule change. The Commission may, however, extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for that determination. The proposed rule change was published for notice and comment in the **Federal Register** on March 10, 2015.[12] The 180th day after publication of the notice of the filing of the proposed rule change in the **Federal Register** is September 6, 2015. The 240th day after publication of the notice of the filing of the proposed rule change in the **Federal Register** is November 5, 2015.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 1 thereto, and the issues raised in the comment letters submitted on the proposed rule change.

Accordingly, the Commission, pursuant to section 19(b)(2) of the Act,[13] designates November 5, 2015 as the date by which the Commission should either approve or disapprove the proposed rule change (SR–NYSEArca–2015–02).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–22605 Filed 9–8–15; 8:45 am]

BILLING CODE 8011–01–P

Eaton Vance Corp., to Brent J. Fields, Secretary, Commission. All comments to the proposed rule change are available on the Commission's Web site at *http://www.sec.gov/comments/sr-nysearca-2015–02/nysearca201502.shtml.*

[6] 15 U.S.C. 78s(b)(2).

[7] *See* Securities Exchange Act Release No. 74755, 80 FR 22762 (Apr. 23, 2014). The Commission determined that it was appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the comments received. Accordingly, the Commission designated June 8, 2015 as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[8] 15 U.S.C. 78s(b)(2)(B).

[9] *See* Securities Exchange Act Release No. 75115 (Jun. 5, 2015) 80 FR 33309. Specifically, the Commission instituted proceedings to allow: (a) Commenters to address the sufficiency of the Exchange's statements in support of the proposal, as modified by Amendment No. 1 thereto; (b) commenters to respond to specific questions posed by the Commission relating to the proposal, as modified by Amendment No. 1 thereto; and (c) for additional analysis of the proposed rule change's consistency with section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' *See id.*

[10] *See* letter dated July 2, 2015 from E. Russell Ives, Jr., President, Ives Associates, Inc., to Brent J. Fields, Secretary, Commission. *See also supra* note 5.

[11] 15 U.S.C. 78s(b)(2).

[12] *See supra* text accompanying note 4.

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75816; File No. SR–CHX–2015–03]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing of Amendment No. 1 to a Proposed Rule Change To Implement CHX SNAP℠, an Intra-Day and On-Demand Auction Service

September 2, 2015.

On June 23, 2015, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to implement CHX SNAP℠, an intra-day and on-demand auction service. The proposed rule change was published in the **Federal Register** for comment on July 8, 2015.[3] No comments have been received. On August 6, 2015, the Commission designated a longer period within which to take action on the proposed rule change.[4] On August 24, 2015, the Exchange filed Amendment No. 1 to the proposed rule change.[5] The Commission is publishing this notice to solicit comments from interested persons on Amendment No. 1. Items I, II, and III below have been prepared by the Exchange.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CHX proposes to adopt and amend rules to implement CHX SNAP℠, an intra-day and on-demand auction service. The text of this proposed rule change is available on the Exchange's Web site at *http://www.chx.com/rules/proposed_rules.htm,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 75346 (Jul. 1, 2015), 80 FR 39172 (''Notice'').

[4] *See* Securities Exchange Act Release No. 75630, 80 FR 48375 (Aug. 12, 2015). The Commission designated October 6, 2015 as the date by which it should either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change. *See id.*

[5] Amendment No. 1 is publicly available on the Commission's Web site at: *https://www.sec.gov/comments/sr-chx-2015-03/chx201503-1.pdf.* In Amendment No. 1, the Exchange proposes to amend the minimum size requirements for the following: (1) Limit orders marked Start SNAP for securities that do not have a special minimum size requirement; and (2) SNAP AOO Orders for securities that do not have a special minimum size requirement. In the Exchange's initial filing, it proposed tier-based minimum size requirements for Start SNAP and SNAP AOO Orders. *See* Notice, *supra* note 3, 80 FR 39174–75. In Amendment No. 1, the Exchange represents that it received feedback from certain Participants indicating that those tier-based minimum size requirements are counter-intuitive and would unnecessarily complicate the programming of those Participants' respective systems to automatically initiate and participate in SNAP Cycles. *See* Amendment No. 1, *supra,* at pg. 3. In response to that feedback, the Exchange states that it is proposing to simplify the minimum size requirements for Start SNAP and SNAP AOO Orders for securities without special minimum size requirements, as described below. *See infra,* Section 3.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt and amend rules to implement CHX SNAP℠ (Sub-second Non-displayed Auction Process), an innovative intra-day and on-demand auction service that could occur numerous times throughout a regular trading session [6] at the request of Participants seeking to trade securities in bulk. SNAP Cycles are designed to transition seamlessly from, and back to, automated trading in the subject security, and to occur simultaneously with automated trading in the subject security elsewhere in the national market system. SNAP is designed to address a specific market need for bulk trading of securities on an exchange, which will operate efficiently within the national market system.

On June 5, 2014, Chair White noted, among other things, that a key question concerning trading venues is whether they have sufficient opportunity and flexibility to innovate successfully with initiatives that seek to deemphasize speed as a key to trading success in order to further serve the interests of investors.[7] Chair White specifically noted possible solutions to include frequent batch auctions designed to minimize speed advantages.[8]

Consistent with Chair White's statement, the Exchange proposes SNAP, an innovative solution that *deemphasizes* speed as a hallmark of its functionality, which will operate consistently with Regulation NMS [9] and Rule 201 of Regulation SHO or applicable exemptive relief.[10] As discussed in detail below, the SNAP Cycle has several characteristics specifically designed to minimize speed advantages, which include, among other things, the following:

- SNAP Cycles will never be scheduled and will always be driven by market demand for bulk trading in a security.
- The order acceptance period for SNAP Eligible Orders will always be randomized.
- Order cancellations during a SNAP Cycle will be prohibited.
- New order modifiers, such as SNAP Auction Only Order—Pegged, will permit market participants to take advantage of the most recent market data in competitively pricing their SNAP Eligible Orders, regardless of their respective speed capabilities.

As such, the Exchange proposes to adopt Article 18, Rule 1 (SNAP) to outline the proposed SNAP Cycle; amend Article 1, Rule 2 (Order Types, Modifiers and Related Terms) to adopt several new order modifiers related to SNAP; and amend Article 20, Rule 8 (Operation of the Matching System) to support a new order ranking plan for SNAP executions. The Exchange also proposes to amend various other rules to harmonize with SNAP.

SECTION 1: SNAP Cycle—Generally

Proposed Article 18, Rule 1(a) provides a general overview of the scope of SNAP. Specifically, SNAP is a fully-hidden on-demand auction that may be initiated in a security (''subject security'') within the Matching System, pursuant to the provisions of proposed Article 18, Rule 1. Participants that submit valid limit orders marked Start SNAP will initiate a SNAP Cycle and, thus, SNAP Cycles are always on-demand and never scheduled or initiated by the Exchange.[11] Also, the entire SNAP Cycle is designed to be completed in less than one second. Except for specified time frames noted in the proposed rules, all other processes in the SNAP Cycle are virtually instantaneous.[12]

In addition, SNAP Cycles may only occur during the regular trading session, but may occur more than once during a regular trading session and may occur in different securities concurrently.[13] However, during a SNAP Cycle, automated trading in the subject security shall be suspended. It is important to note that the Exchange operates only one book and, thus, automated execution of orders in a subject security will never occur simultaneously with a SNAP Cycle in the same security. However, given the fundamental differences between automated execution of orders and auctions, as discussed in detail below, the Exchange proposes a distinction between the CHX book during the Open Trading State [14] and the CHX book during a SNAP Cycle (''SNAP CHX book'').

The Exchange also reserves the right to enable or disable SNAPs, per security, pursuant to notice to its Participants. On initial operation, the Exchange anticipates making the SNAP functionality available for all securities that are traded within the Matching System.[15]

In sum, the SNAP Cycle is comprised of the following five stages detailed under proposed Article 18, Rule 1(b), all of which are discussed comprehensively under Section 5 and illustrated through numerous examples under Section 6:

- Stage One: Initiating the SNAP Cycle.
- Stage Two: SNAP Order Acceptance Period.
- Stage Three: Pricing and Satisfaction Period.
- Stage Four: Order Matching Period.
- Stage Five: Transition to the Open Trading State.

SECTION 2: Proposed Defined Terms

The Exchange proposes new defined terms related to SNAPs. Proposed Article 1, Rule 1(qq) defines ''Open Trading State,'' as the period of time during the regular trading session when orders are eligible for automatic execution.[16] As discussed in detail below, the SNAP Cycle and the Open Trading State are mutually exclusive in a subject security as the automated trading of securities in a subject security is always suspended during the SNAP Cycle in the same security.

Proposed Article 1, Rule 1(rr) defines ''SNAP Price'' as a single price at which the greatest number of shares may be executed during a SNAP Cycle, as described under proposed Article 18, Rule 1(b), without trading-through any more aggressively priced orders on either side of the market, in compliance with all CHX Rules and relevant

[6] CHX Article 20, Rule 1(b) provides that the ''regular trading session—shall begin at 8:30 a.m. and shall end at 3:00 p.m. each day for all securities.'' All times are in central time, unless noted otherwise.

[7] *See* Mary Jo White, Chair, Securities and Exchange Commission, Speech at Sandler O'Neil & Partners L.P. Global Exchange and Brokerage Conference (June 5, 2014).

[8] *See id.*

[9] 17 CFR 242.611.

[10] 17 CFR 242.201. As discussed in detail below, SNAP executions may be delayed up to 200 milliseconds from the market snapshot utilized for determining the single auction price (*i.e.,* SNAP Price), if the SNAP Price would require, among other things, the routing of one or more orders to away markets for Rule 611 of Regulation NMS compliance purposes. *See infra* section 5. The purpose of the routing delay is to give away markets sufficient to time to respond to the routed orders, so that any unexecuted routed orders would be included in the SNAP execution within the Matching System. However, the SNAP execution delay may render the national best bid ascertained from the aforementioned market snapshot no longer ''current,'' as required during a short sale price test restriction in a covered security, pursuant to Rule 201(b)(1)(i) of Regulation SHO. Accordingly, the Exchange will be submitting separately a request for no-action relief or exemptive relief from certain requirements of Rule 201 of Regulation SHO to address this issue.

[11] *See infra* Sections 3 and 5.

[12] *See infra* Section 5.

[13] *See supra* note 6.

[14] *See infra* Section 2.

[15] Any changes to the list of SNAP eligible securities shall be announced via Information Memorandum and shall be effective no sooner than the trading day after the Information Memorandum has been issued.

[16] *See supra* note 6; *see also supra* note 10.

securities laws and regulations, including Regulation NMS [17] and Rule 201 of Regulation SHO, and any applicable exemptive relief therefrom; [18] provided the following:

(1) Where two or more price points are identified above, the SNAP Price shall be the price closest to the last reported sale in the security from the same trading day that was not permitted to trade-through the National Best Bid and Offer (''NBBO'') at the time the last sale was executed (''eligible same day last sale''). Where two or more price points are equally close to the eligible same day last sale price, the SNAP Price shall be the eligible same day last sale price.

(2) If an eligible same day last sale cannot be ascertained, pursuant to proposed paragraph (rr)(1) above, the SNAP Price shall be the price closest to the NBBO midpoint. Where two or more price points are equally close to the NBBO midpoint, the SNAP Price shall be the NBBO midpoint.

As discussed in detail below, the SNAP Price will only be determined after the SNAP CHX book has been established during the stage three Pricing and Satisfaction Period and the SNAP Price will always be based on a single market snapshot in the subject security at the time the SNAP Price is determined.[19] Example 6 below illustrates the process for determining the SNAP Price.[20]

Proposed Article 1, Rule 1(ss) defines ''SNAP Eligible Order'' as a limit order, as defined under Article 1, Rule 2(a)(1), not marked by, or handled as, any one of the following modifiers:

(1) Cancel On SNAP, as defined under proposed Article 1, Rule 2(h)(4).

(2) Fill Or Kill, as defined under Article 1, Rule 2(d)(2).

(3) Immediate Or Cancel (''IOC''), as defined under Article 1, Rule 2(d)(4).

(4) Start SNAP, as defined under proposed Article 1, Rule 2(h)(1), except where the limit order marked Start SNAP is eligible for SNAP AOO—One And Done handling, pursuant to proposed Article 1, Rule 2(h)(1)(B).[21]

In sum, aside from modifiers that require the immediate execution or cancellation of the order (*i.e.,* Fill Or Kill and IOC) or explicitly prohibit the order from participating in SNAPs (*i.e.,* Cancel On SNAP or Start SNAP), all other limit orders shall be considered SNAP Eligible Orders.[22] Moreover, to ensure that modifiers attached to SNAP Eligible Orders do not conflict with the SNAP Cycle, the Exchange proposes to deactivate certain modifiers for the subject security during the SNAP Cycle, pursuant to proposed Article 18, Rule 1(b)(2)(D).[23]

SECTION 3: Proposed Orders Modifiers Related to SNAP

The Exchange proposes to adopt the following new limit order modifiers related to SNAP, which are listed and defined under proposed Article 1, Rule 2(h):

- Start SNAP, under proposed paragraph (h)(1);
- Cancel On SNAP, under proposed paragraph (h)(2);
- SNAP Auction Only Order (''SNAP AOO'')—Day, under paragraph (h)(3)(A);
- SNAP AOO—One And Done, under paragraph (h)(3)(B); and
- SNAP AOO—Pegged, under paragraph (h)(3)(C).

Proposed Article 1, Rule 2(h) provides that the valid use of a modifier is subject to the modifier being compatible with other applicable order modifiers or terms related to the order. The compatibility of the order modifier with other modifiers is either explicitly noted in the definition of the proposed modifier or implied by the definition itself.

Proposed paragraph (h)(1) defines ''Start SNAP'' as a limit order modifier that -1- initiates a SNAP Cycle in a specified security, as described under proposed Article 18, Rule 1(b), if the limit order marked Start SNAP meets the requirements of proposed subparagraph (A) or, -2- joins a SNAP Cycle in progress, if it does not meet the requirements of proposed subparagraph (A), but meets the requirements of proposed subparagraph (C). Also, a limit order marked Start SNAP is not executable during the Open Trading State, as defined under proposed Article 1, Rule 1(qq). Consequently, a limit order marked Start SNAP will never be permitted to post to the CHX book or be executed otherwise than during a SNAP Cycle. A limit order marked Start SNAP that does not meet the requirements of either proposed subparagraph (A) or (C) shall be cancelled.

Thereunder, proposed subparagraph (A) details the requirements for a limit order marked Start SNAP to initiate a SNAP Cycle. If the limit order marked Start SNAP does not meet all of the conditions under proposed subparagraph (A), the limit order marked Start SNAP will be cancelled, unless it meets the requirements for special handling pursuant to proposed subparagraph (C).

Proposed subparagraph (A)(i) provides that a limit order marked Start SNAP must be for (a) at least 2,500 shares and have a minimum aggregate notional value of $250,000 or (b) at least 20,000 shares with no minimum aggregate notional value requirement; provided, however, that certain issues specified below have special minimum size requirements:

Special issue	Minimum size
Berkshire Hathaway, Inc. (BRK–A) [24]	100

Proposed subparagraph (A)(ii) details the pricing requirement of the limit order marked Start SNAP. Specifically, the limit price of the buy (sell) order marked Start SNAP must be priced at or through the National Best Offer (National Best Bid) at the time the order was received by the Matching System. That is, the limit order marked Start SNAP must be priced at the market or more aggressively. The Exchange believes that this pricing requirement will maximize the size of the SNAP execution by encouraging aggressive pricing. In light of this aggressive pricing requirement, a SNAP Cycle will not be initiated if the National Best Bid and Offer (''NBBO'') in the subject security is crossed or a two-sided NBBO does not exist at the time the limit order marked Start SNAP is received by the Matching System.

Proposed subparagraph (A)(iii) details the timing requirement of the limit order marked Start SNAP. Specifically, a limit order marked Start SNAP will only initiate a SNAP Cycle if it is received during the regular trading session; provided, however, that it will not initiate a SNAP if it is received (a) within five minutes of the first two-sided quote in the subject security having been received by the Exchange from the primary market disseminated after either the beginning of the regular trading session or after a halt or pause that required the Exchange to suspend trading in the subject security; (b) within five minutes of the end of the regular trading session; (c) during a SNAP Cycle; or (d) within one minute after the completion of the previous SNAP Cycle. With respect to proposed

[17] 17 CFR 242.611.

[18] 17 CFR 242.201; *see supra* note 10.

[19] *See infra* Section 4.

[20] *See infra* Section 6.

[21] *See infra* Section 3.

[22] Cross and market orders are never SNAP Eligible Orders as cross orders are always handled IOC and market orders are required to be marked IOC. *See* CHX Article 1, Rule 2(a)(2) and (3).

[23] *See infra* Section 4.

[24] The Exchange believes it necessary and appropriate to establish a special minimum size requirement for BRK–A, due to its exceptionally high market value and special round lot size.

subparagraph (A)(iii)(a), the Exchange believes that requiring five minutes to have passed after the dissemination of the first two-sided quote from the primary market in the subject security before permitting a SNAP Cycle to be initiated is necessary to ensure that sufficient time has passed for the market in the subject security to have been established.

Proposed subparagraph (A)(iv) provides a general condition that a SNAP Cycle shall not be initiated if the CHX Routing Services, the Exchange's outbound routing service, is not operational.[25] Given the aggressive pricing requirement for limit orders marked Start SNAP, it is possible that one or more orders would have to be routed away to execute against contra-side Protected Quotations of external markets for purposes of Regulation NMS compliance. Thus, the Exchange proposes to prohibit a SNAP Cycle from initiating when outbound routing is not available at time of receipt of a limit order marked Start SNAP.[26]

Proposed subparagraph (B) provides an optional minimum SNAP execution size condition that may be selected by the Participant that submitted the limit order marked Start SNAP. Specifically, an order sender may instruct that the SNAP Cycle be cancelled, without any executions, if the sum -1- of the minimum number of shares that may be executed within the Matching System at the SNAP Price, as defined under proposed Article 1, Rule 1(rr), and -2- the number of shares that would be routed away, pursuant to proposed Article 19, Rule 3(a)(4) and (5), is less than the minimum number of shares required for the Start SNAP order to have initiated the current SNAP Cycle, pursuant to proposed subparagraph (A)(i). The optional minimum size condition provides the Start SNAP order sender with a tool to minimize information leakage concerning orders that participated in the SNAP. That is, without a minimum size condition, the Participant that submitted the limit order marked Start SNAP may give up crucial information concerning its order, without receiving the benefit of a substantial execution. Thus, the minimum size condition is intended to minimize the probability and magnitude of such information leakage.

Proposed subparagraph (C) provides a default handling for a limit order marked Start SNAP that does not meet the requirements to initiate a SNAP Cycle. Specifically, by default, a limit order marked Start SNAP that does not meet the requirements of proposed subparagraph (A) and is received by the Matching System during a SNAP Order Acceptance Period, as described under proposed Article 18, Rule 1(b)(2), shall be handled as SNAP AOO—One And Done, as defined under proposed paragraph (h)(3)(B), and join the SNAP Cycle in progress. This default handling addresses the scenario, among others, where two or more limit orders marked Start SNAP are received by the Matching System at nearly the same time. Additionally, an order sender may instruct that the limit order marked Start SNAP not be subject to this special handling even if eligible.

Proposed paragraph (h)(2) defines ''Cancel On SNAP,'' which is a limit order modifier that requires the order to be cancelled upon initiation of a SNAP Cycle or cancelled upon receipt if received during a SNAP Cycle. Thus, resting orders marked Cancel On SNAP will be cancelled immediately after acceptance of a valid limit order marked Start SNAP and incoming orders marked Cancel On SNAP will be cancelled by the Matching System if received during a SNAP Cycle.[27] Thus, Cancel On SNAP is similar to the current Cancel On Halt modifier, defined under Article 1, Rule 2(b)(1)(B), which requires the order to be cancelled if a trading halt or suspension is declared in the security.

Proposed paragraph (h)(3) details the three proposed SNAP AOO modifiers. SNAP AOOs are limit orders marked by, or handled as, SNAP AOO—One And Done; SNAP AOO—Day; or SNAP AOO—Pegged.[28] As the name suggests, SNAP AOOs shall not be active during the Open Trading State. Also, SNAP AOOs shall only be accepted from the beginning of the early session to five minutes prior to the end of the regular trading session.[29] Upon receipt by the Exchange, all valid SNAP AOOs are either queued or immediately ranked, as described under proposed Article 20, Rule 8(b)(2)(A), as discussed in detail below.[30]

Moreover, all SNAP AOOs must be for (a) at least 250 shares and have a minimum aggregate notional value of $25,000 based on its corresponding SNAP AOO Reference Price or (b) at least 2,000 shares with no minimum aggregate notional value requirement, provided, however, that certain issues specified below have special minimum size requirements.[31] If there is no special minimum size requirement noted for a security, the SNAP AOO Reference Price shall be the last sale in the subject security that was not permitted to trade-through the NBBO at the time the last sale was executed.[32] If a SNAP AOO Reference Price cannot be determined (*i.e.,* there is no last sale in the security), the SNAP AOO shall be cancelled.

Special issues	Minimum size
Berkshire Hathaway, Inc. (BRK–A)[33]	10

In contrast to the minimum size requirement for limit orders marked Start SNAP, the Exchange proposes to peg the SNAP AOO Reference Price to the last reported sale in the subject security, as opposed to the limit price of the SNAP AOO, because a SNAP AOO—Pegged order may not have a stated limit price, as described below. Moreover, the requirement that the last reported sale in the subject security not have been permitted to trade-through the NBBO at the time it was executed, such as Benchmark,[34] would better reflect the actual market price of the subject security. For example, a SNAP AOO to buy 250 shares of security XYZ for $100.00/share, which has a SNAP AOO Reference Price of $99.50/share, would be rejected upon receipt because it only has an aggregate notional value of $24,875.

Thereunder, proposed subparagraph (A) defines ''SNAP AOO—Day'' as a limit order modifier that requires the order to only participate in the next SNAP Cycle for which it is eligible and

[25] *See* CHX Article 19, Rule 1.

[26] Moreover, a SNAP Cycle that was initiated may be aborted prior to order matching at the SNAP Price, if the CHX Routing Services are unavailable at the time the SNAP Price is to be determined. *See infra* Section 5.

[27] An order marked Cancel On SNAP that is cancelled upon initiation of a SNAP Cycle or upon receipt during a SNAP Cycle is not a voluntary cancellation for the purposes of the Order Cancellation Fee and are excluded from the Order Cancellation Fee computation. *See* CHX Fee Schedule Section E.8.

[28] As currently proposed, the only orders that would be handled as a SNAP AOO, even if it not marked with an SNAP AOO modifier, would be limit orders marked Start SNAP, pursuant to Article 1, Rule 2(h)(1)(C), as described above. A limit order marked by any of the SNAP AOO modifiers will always be handled as a SNAP AOO.

[29] CHX Article 20, Rule 1(b) provides that the ''early session—shall begin at 6:00 a.m. and shall end at 8:30 a.m.'' All times are in central time, unless noted otherwise. *See supra* note 6.

[30] Invalid SNAP AOOs (*e.g.,* received after the end of the regular trading session) would be rejected. *See infra* Sections 4 and 5.

[31] SNAP AOOs that are queued upon receipt may also be re-queued, as discussed below. Thus, re-queued SNAP AOOs may be smaller than the minimum size, due to partial executions. *See infra* Sections 4 and 5.

[32] *Compare* proposed Article 1, Rule 1(rr), which has an additional requirement that the last sale be from the same trading day.

[33] *See supra* note 24.

[34] *See* CHX Article 1, Rule 2(b)(2)(A).

every SNAP Cycle thereafter for the remainder of the trading session until fully-executed or cancelled. Mechanically, the unexecuted balance of a limit order marked SNAP AOO—Day will be re-queued based on its original time of receipt and would be re-ranked in the SNAP CHX book during the next SNAP Cycle, pursuant to proposed Article 20, Rule 8(b)(2)(A).[35]

Proposed subparagraph (B) defines ''SNAP AOO—One And Done'' as a limit order modifier that requires the order to only participate in the next SNAP Cycle for which it is eligible with any unexecuted remainder to be cancelled; provided, however, that if the SNAP Cycle in which the limit order marked SNAP AOO—One And Done was participating was aborted prior to the stage three Pricing and Satisfaction Period, the order shall be re-queued pursuant to proposed Article 20, Rule 8(b)(2)(A), and not cancelled. Thus, unlike limit orders marked SNAP AOO—Day, which may be re-queued for any reason if an unexecuted balance exists, limit orders marked SNAP AOO—One And Done are only eligible to participate in one SNAP Cycle and may only be re-queued if the SNAP Cycle in which it was participating was aborted prior to the stage three Pricing and Satisfaction Period.

Proposed subparagraph (C) defines ''SNAP AOO—Pegged'' as a limit order modifier only available for orders marked SNAP AOO—Day or SNAP AOO—One And Done, that requires the order to be priced at the less aggressive of an optional limit price or mandatory offset price from the NBBO ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E). An order sender that submits a limit order marked SNAP AOO—Pegged must specify one of the following proposed pricing options.

(i) Midpoint. Priced at the midpoint of the NBBO or the locking price if the NBBO is locked. If the NBBO is crossed, the order shall not participate in the instant SNAP Cycle, even if there is an optional limit price indicated.

(ii) Market. A buy (sell) order shall be priced at, or a specified offset below or above, the NBO (NBB).

(iii) Primary. A buy (sell) order shall be priced at, or a specified offset below or above, the NBB (NBO).

Unlike non-auction pegged orders, which the Exchange does not currently offer, limit orders marked SNAP AOO—Pegged do not continuously track changes to the NBBO, but rather, are priced once per SNAP Cycle based on an single market snapshot taken immediately prior to the stage three Pricing and Satisfaction Period, as discussed in detail below.[36]

SECTION 4: Proposed SNAP CHX Book and SNAP AOO Queue

The SNAP CHX book will be used to establish the SNAP Price and execution priority for participating SNAP Eligible Orders with Working Prices[37] at and more aggressive than the SNAP Price.[38] Thus, the Exchange proposes to amend Article 20, Rule 8(b) (Ranking and display of orders) to adopt a distinction between the current ranking of orders on the CHX book, the proposed ranking of orders on the SNAP CHX book and the proposed queuing of certain SNAP AOO orders on the SNAP AOO Queue that would not be ranked on receipt.

Current Article 20, Rule 8(b) provides that all orders accepted by the Matching System that will post to the CHX book shall be ranked at each price point up or down to its limit price by display status then sequence number. Thereunder, current Rule 8(b)(1)–(3) outline the three display status pools according to priority on the CHX book as follows:

- Fully-displayable orders and displayed portions of Reserve Size orders, under paragraph (b)(1);[39]
- Undisplayed portion of Reserve Size orders, under paragraph (b)(2); and
- Orders marked Do Not Display, under paragraph (b)(3).[40]

The Exchange now proposes to amend Article 20, Rule 8(b) to expand the scope of the rules thereunder and to clarify the execution priority of resting orders on the CHX book. Specifically, amended Article 20, Rule 8(b) provides that orders shall be ranked and displayed as follows. Thereunder, proposed Rule 8(b)(1) provides that otherwise than during a SNAP Cycle, as described under proposed Article 18, Rule 1(b), orders that may post to the CHX book shall be executable in Working Price/display status/sequence number priority[41] and shall be ranked on the CHX book as described under proposed subparagraphs (A)–(C), which mirrors current Article 20, Rule 8(b)(1)–(3), respectively, but for amendments to certain cross-references affected by the proposed rule change.

Proposed Rule 8(b)(2) provides that the following orders shall not be ranked on the CHX book upon receipt, but shall be queued until ranked as follows. Thereunder, proposed subparagraph (A) describes the SNAP AOO Queue, which provides that valid SNAP AOOs, as defined under proposed Article 1, Rule 2(h)(3), shall be queued in the order in which they were originally received; provided, however, that SNAP AOOs not marked SNAP AOO—Pegged received during a SNAP Order Acceptance Period shall be immediately ranked on the SNAP CHX book upon receipt and not queued.[42] All SNAP AOOs shall be ranked on the SNAP CHX book, pursuant to proposed paragraph (b)(3)(E). Also, SNAP AOOs that are re-queued shall be re-queued based on time of original receipt.

Proposed Rule 8(b)(3) provides that during a SNAP Cycle, as described under proposed Article 18, Rule 1(b), orders shall receive execution priority as described under proposed Article 18, Rule 1(b)(4)(A)[43] and be ranked on the SNAP CHX book, as provided under proposed subparagraphs (A)–(E). In sum, all SNAP Eligible Orders ranked on the CHX book at the time a SNAP Cycle is initiated (''precedent orders'') shall maintain their priority in the SNAP CHX book, pursuant proposed subparagraphs (A)–(C). Following such precedent orders, the limit order marked Start SNAP that initiated the instant SNAP Cycle would be ranked, pursuant to proposed subparagraph (D). Finally, after the precedent orders and the limit order marked Start SNAP, SNAP AOOs and other SNAP Eligible Orders received during the SNAP Order Acceptance Period would be ranked by sequence number.

[35] *See infra* Sections 4 and 5.

[36] *See infra* Section 5.

[37] Incidentally, the Exchange proposes to amend current Article 1, Rule 1(pp)) to expand and clarify the definition of ''Working Price.'' Specifically, amended Article 1, Rule 1(pp) provides that Working Price means the most aggressive price at which *a limit order,* as opposed to the current ''resting'' limit orders, can execute within the Matching System, in compliance with CHX Rules and relevant securities laws and regulations, including Rule 611 of Regulation NMS and Rule 201 of Regulation SHO, *and any applicable exemptive relief therefrom. See supra* note 10.

[38] As noted above, the Exchange only operates one book. The SNAP CHX book merely reflects the reprioritizing of orders for the purposes of the SNAP Cycle and is not an independent book of orders maintained in addition to the regular CHX book. *See supra* Section 1.

[39] *See* CHX Article 1, Rule 2(c)(3) defining ''Reserve Size.''

[40] *See* CHX Article 1, Rule 2(c)(2) defining ''Do Not Display.''

[41] Orders are currently executable in Working Price/display status/sequence number priority. *See* Exchange Act Release No. 73150 (September 19, 2014), 79 FR 57603 (September 25, 2014) (SR–CHX–2014–15) (''Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Adopt the CHX Routing Services'').

[42] As discussed below, SNAP AOOs marked SNAP AOO—Pegged can only be priced based on the market snapshot taken immediately after the end of the SNAP Order Acceptance Period, pursuant to proposed Article 18, Rule 1(b)(2)(E), and thus, cannot be ranked upon original receipt. *See infra* Section 5.

[43] *See infra* Section 5.

Examples 2–5 illustrate the process of creating the SNAP CHX book.[44] A discussion concerning SNAP Cycle order execution priority may be found below.[45]

SECTION 5: Proposed SNAP Cycle

Stage One: Initiating the SNAP Cycle

Upon the acceptance of a valid limit order marked Start SNAP, the Matching System shall begin the SNAP Cycle in the subject security, pursuant to proposed Article 18, Rule 1(b)(1), and take the following actions:

- Suspend automatic execution of orders in the subject security.
- Remove the Exchange's Protected Quotation(s) in the subject security, if any.
- Notify the market that a SNAP Cycle in the subject security has begun.
- Disseminate messages through the CHX Book Feed indicating that precedent orders on the CHX book in the subject security are no longer automatically executable.[46]
- Suspend dissemination of any other order information concerning the subject security through the CHX Book Feed.

Proposed Article 18, Rule 1(b)(1) describes how a SNAP Cycle is initiated. Specifically, a SNAP Cycle may be initiated upon acceptance by the Matching System of a valid limit order marked Start SNAP, as defined under proposed Article 1, Rule 2(h)(1), discussed in detail above. That is, a SNAP will only be initiated if all of the requirements of proposed Article 1, Rule 2(h)(1) are met. If a valid Start SNAP order is accepted by the Matching System, the Exchange shall only then immediately suspend automated matching of orders in the subject security and initiate the SNAP Cycle.

Thereunder, proposed subparagraph (A) provides that the Exchange will remove its Protected Quotation(s) in the subject security, if any, and will notify the market that a SNAP is taking place in the subject security.[47] Aside from the identity of the security subject to the SNAP, the Exchange will not disseminate any other information concerning the SNAP, including, but not limited to, the size, price or side of the Start SNAP order.

Incidentally, the Exchange proposes to amend Article 20, Rule 8(b)(6) to provide that the displayed CHX best bid and offer protocol shall be suspended during a SNAP Cycle, pursuant to proposed Article 18, Rule 1(b), and amend a citation to current ''paragraph (b)(1)'' to ''paragraph (b)(1)(A),'' as the citation has changed pursuant to this rule filing.[48]

Proposed subparagraph (B) provides that the Exchange shall submit messages through the CHX Book Feed to reflect that precedent orders previously disseminated through the CHX Book Feed are no longer automatically executable and that the Exchange will suspend dissemination of any other order information concerning the subject security. Any executions and cancellations that occur during the SNAP Cycle will continue to be reported immediately to the relevant Participant order sender(s). Similarly, any executions that occur during the SNAP Cycle will continue to be reported immediately to the relevant securities information processor and to clearing. However, information concerning displayable orders received, and cancellations and executions effected, during the SNAP Cycle shall not disseminated through the CHX Book Feed for the remainder of the SNAP Cycle. Upon the restarting of the CHX Book Feed, pursuant to proposed Article 18, Rule 1(b)(5)(C), the Exchange shall only disseminate information concerning the displayable orders posted to the CHX book at the conclusion of the SNAP Cycle. Incidentally, the Exchange propose to amend current Article 4, Rule 1(a) to provide that the availability of the CHX Book Feed is subject to proposed Article 18, Rule 1(b).[49]

Example 2 below illustrates how the SNAP Cycle could be initiated.[50]

Stage Two: SNAP Order Acceptance Period

Upon the initiation of the SNAP Cycle, the Matching System shall take the following actions, pursuant to proposed Article 18, Rule 1(b)(2):

- Begin the SNAP Order Acceptance Period.
- Begin establishing the SNAP CHX book.
- Begin the First In-First Out (''FIFO'') Queue for certain messages and orders received during the SNAP Cycle.

Proposed paragraph (b)(2) starts by providing that the SNAP Order Acceptance Period shall begin upon initiation of a SNAP Cycle and last approximately 475 to 525 milliseconds, the actual length of which will be randomized by the Matching System. By randomizing the exact length of the SNAP Order Acceptance Period, market participants would not be able to pinpoint exactly when the SNAP Order Acceptance Period would end, thereby minimizing speed advantages, which is one of the goals of the SNAP functionality.[51]

Proposed subparagraph (A) details how precedent resting orders would be handled upon the initiation of a SNAP Cycle. Specifically, subparagraph (A)(i) provides that SNAP Eligible Orders, as defined under proposed Article 1, Rule 1(ss), not marked SNAP AOO—Pegged, as defined under proposed Article 1, Rule 2(h)(3)(C), resting on the CHX book or SNAP AOO Queue, as described under proposed Article 20, Rule 8(b)(2)(A), prior to the initiation of the current SNAP Cycle, shall be ranked on the SNAP CHX book, pursuant to proposed Article 20, Rule 8(b)(3)(A)—(C) and (E), as applicable.[52] In turn, precedent SNAP AOOs marked SNAP AOO—Pegged shall remain on the SNAP AOO Queue until ranked on the SNAP CHX book, pursuant to proposed paragraph (b)(3)(A).

SNAP AOO—Pegged orders are not ranked on the SNAP CHX book during the SNAP Order Acceptance Period because the limit price of SNAP AOO—Pegged orders can only be confirmed by the market snapshot immediately after the end of the SNAP Order Acceptance Period, pursuant to proposed Article 18, Rule 1(b)(2)(E).[53] In contrast, all other SNAP Eligible Orders, including SNAP AOOs not marked SNAP AOO—Pegged, have confirmed limit prices known at the time of original receipt, which enables such orders to be immediately ranked on the SNAP CHX book upon initiation of the SNAP Cycle or upon receipt if received during a SNAP Order Acceptance Period.

Proposed subparagraph (A)(ii) provides that the limit order marked Start SNAP that initiated the current SNAP Cycle shall be ranked on the SNAP CHX book, pursuant to proposed Article 20, Rule 8(b)(3)(D). Proposed subparagraph (A)(iii) provides that

[44] *See infra* Section 6.

[45] *See infra* Section 5.

[46] The CHX Book Feed is the Exchange's proprietary data feed, which allows subscribers to view all displayable orders in the Matching System, including the size and price associated with such orders and trade data for executions that occur within the Matching System. *See* CHX Article 4, Rule 1.

[47] As of the time of this filing, the Exchange anticipates that the SNAP Cycle notice will be achieved by a unique identifier that will be disseminated to the market through the relevant securities information processor at the time the Exchange removes its Protected Quotation(s) in the subject security and a message through the CHX Book Feed indicating that a SNAP Cycle is occurring in the subject security.

[48] *See supra* Section 4.

[49] *See supra* note 46.

[50] *See infra* Section 6.

[51] *See infra* Statutory Basis.

[52] *See infra* Section 4.

[53] *See supra* note 42.

precedent non-SNAP Eligible Orders resting on the CHX book (*i.e.,* limit orders marked Cancel On SNAP) shall be cancelled.

Proposed subparagraph (B) details how incoming orders received during the SNAP Cycle would be handled. Specifically, subparagraph (B)(i) provides that incoming SNAP Eligible Orders received during the SNAP Order Acceptance Period shall be immediately ranked on the SNAP CHX book, pursuant to proposed Article 20, Rule 8(b)(3)(E); provided, however, that SNAP AOOs marked SNAP AOO—Pegged shall be placed in the SNAP AOO Queue upon receipt and shall only be ranked on the SNAP CHX book, pursuant to paragraph (b)(3)(A).[54] Incoming SNAP Eligible Orders received after the SNAP Order Acceptance Period has expired, but during a SNAP Cycle, shall not be eligible to participate in the current SNAP Cycle and shall be queued in the FIFO Queue, pursuant to proposed subparagraph (C). To the extent an order on the FIFO Queue is a SNAP AOO, upon processing of the SNAP AOO during the stage five Transition to the Open Trading State, the SNAP AOO will be placed in the SNAP AOO Queue, for activation in the next SNAP Cycle for which it is eligible to participate. Also, proposed subparagraph (B)(ii) provides that incoming non-SNAP Eligible Orders received during the SNAP Cycle shall be cancelled upon receipt, except for cross orders, which shall be placed in the FIFO Queue.

Currently, cross orders are always handled Immediate Or Cancel, pursuant to Article 1, Rule 2(a)(2). In light of SNAP, the Exchange now proposes to amend the definition of cross orders, under Article 1, Rule 2(a)(2), to provide that cross orders received during a SNAP Cycle shall be placed in the FIFO Queue for later processing and not immediately cancelled. This special handling of cross orders is necessary because, for example, the Exchange receives a significant number of cross orders marked Qualified Contingent Trade (''QCT''),[55] the execution of which is required, among other things, to be contingent upon the execution of all other components at or near the same time. Thus, the Exchange believes it preferable to momentarily delay processing of QCTs to give such orders the opportunity to clear the CHX book, whereas an immediate cancellation could result in the QCT being out-of-hedge with the other component trades. Moreover, in light of the manual nature of QCT order packaging process, the Exchange submits that the approximate one second delay in processing a QCT on the FIFO Queue is immaterial with respect to the execution ''at or near the same time'' requirement for QCTs.[56]

Proposed subparagraph (C) lists the following messages received during a SNAP Cycle that would be placed in the FIFO Queue for later processing, pursuant to proposed paragraph (b)(5)(B):

(i) Cancel and cancel/replace messages for resting or queued orders.

(ii) Cancel messages from away markets for routed orders received after the SNAP Order Acceptance Period.[57]

(iii) SNAP Eligible Orders received after the SNAP Order Acceptance Period.

(iv) Cross orders.

The FIFO Queue is necessary because the immediate processing of most messages are suspended during the SNAP Cycle. The Exchange submits that the momentary delay of processing such messages is reasonable because the delay will be no longer than the approximate one second that it would take for the SNAP Cycle to be completed. In addition, market liquidity in the subject security would be enhanced by preserving such orders and reducing unnecessary order cancellations.

Proposed subparagraph (D) provides that prior to being ranked on the SNAP CHX book, the following modifiers shall be deactivated for the subject security only:

(i) CHX Only, as defined under Article 1, Rule 2(b)(1)(C).

(ii) Post Only, as defined under Article 1, Rule 2(b)(1)(D).

(iii) Do Not Route, as defined under Article 1, Rule 2(b)(3)(A).

(iv) Match Trade Prevention, as defined under Article 1, Rule 2(b)(3)(F).

(v) Always Quote, as defined under Article 1, Rule 2(c)(1).

(vi) Reserve Size, as defined under Article 1, Rule 2(c)(3).

Deactivating each of these modifiers is necessary so that SNAP Eligible Orders subject to a SNAP Cycle are handled in a manner which do not violate the terms of the specified order modifiers, as the SNAP Cycle requires all participating orders to be routable, undisplayed in whole and executable, without restriction.

Specifically, the CHX Only, Post Only and Do Not Route modifiers[58] must be deactivated because each of these modifiers, among other things, requires the order to be unroutable and, as discussed in detail below, the SNAP Price may require the routing of one or more orders to prevent improper trade-through(s) of Protected Quotations of external markets. In addition, the Always Quote and Reserve Size modifiers must be deactivated because each of these modifiers requires all or a portion of the order to be displayed, whereas all SNAP Eligible Orders must be fully-hidden during a SNAP Cycle.[59] Also, the Match Trade Prevention (''MTP'') modifier must be deactivated because the MTP modifier will prevent the execution of certain orders that originate from the same MTP Trading Group or subgroup, whereas all participating SNAP Eligible Orders must be executable without condition.[60] Incidentally, the Exchange proposes to amend Article 1, Rule 2 to provide that order modifiers listed under proposed Article 18, Rule 1(b)(2)(D) shall not be active for a security that is subject to a SNAP Cycle, as described under proposed Article 18, Rule 1.

Proposed subparagraph (E) provides that upon conclusion of the SNAP Order Acceptance Period, the Matching System shall take a snapshot of the Protected Quotation(s) of external market(s) in the subject security and determine whether or not the CHX Routing Services are available. If the snapshot of the Protected Quotation(s) of external market(s) in the subject security shows that a two-sided NBBO exists and the CHX Routing Services are available, the SNAP Cycle shall continue to the stage three Pricing and Satisfaction Period. This proposed subparagraph (E) market snapshot will serve as the basis for the stage three Pricing and Satisfaction Period, as described below.

Alternatively, proposed subparagraph (F) provides that if the market snapshot taken pursuant to proposed subparagraph (E) above shows that a

[54] *See id.*

[55] *See* CHX Article 1, Rule 2(b)(2)(E).

[56] *See infra* Statutory Basis.

[57] Cancel messages from away markets for routed orders received during the SNAP Order Acceptance Period would result in the corresponding order being immediately released as unexecuted. The released order will then either join the SNAP Cycle in progress or be cancelled, if marked Cancel On SNAP.

[58] CHX Only and Post Only orders are always handled ''Do Not Route,'' even if not marked Do Not Route. *See* CHX Article 1, Rule 2(b)(1)(C) and (D).

[59] While precedent Reserve Size orders will not have a displayed portion during the SNAP Cycle, as all orders participating in a SNAP Cycle are fully-hidden, the Matching System will maintain the distinction between the displayed and reserved portions of Reserve Size orders for the purposes of ranking on the SNAP CHX book. *See supra* Section 4.

[60] The Exchange notes that the deactivation of the MTP modifier during the SNAP Cycle does not extinguish Participants' obligations regarding self-trades, pursuant to CHX Rules and securities laws and regulations. *See e.g.,* CHX Article 9, Rule 9 (Fictitious Transactions).

two-sided NBBO does not exist or the CHX Routing Services are unavailable, the SNAP Cycle shall be aborted without any executions and the Matching System shall take another market snapshot of the Protected Quotation(s) of external market(s) in the subject security and immediately begin the stage five Transition to the Open Trading State, as described below.

In sum, one or two market snapshots may be taken during the stage two Order Acceptance Period, depending on whether or not the SNAP Cycle was aborted during the stage two Order Acceptance Period. Specifically, if the market snapshot taken pursuant to proposed subparagraph (E) shows that a two-sided NBBO exists and the CHX Routing Services are available, the Matching System would not take any additional market snapshots during the stage two Order Acceptance Period, as the SNAP Cycle would immediately continue to the stage three Pricing and Satisfaction Period. In such a case, a third market snapshot would be taken during either the stage three Pricing and Satisfaction Period or the stage four Order Matching Period, as applicable, as discussed below. However, if the market snapshot taken pursuant to proposed subparagraph (E) shows that a two-sided NBBO does not exist or the CHX Routing Services are unavailable, the Matching System would immediately take a final market snapshot, pursuant to proposed subparagraph (F), abort the SNAP Cycle, skip stages three and four and enter the stage five Transition to the Open Trading State. Thus, there would always be a total of three market snapshots taken during the course of any given SNAP Cycle.[61]

Examples 3–4 below illustrate the various processes of the stage two SNAP Order Acceptance Period.[62]

Stage Three: Pricing and Satisfaction Period

Upon the conclusion of the stage two SNAP Order Acceptance Period, the Matching System shall take the following actions, pursuant to proposed Article 18, Rule 1(b)(3):

- Process the remaining orders on the SNAP AOO Queue and finalize the SNAP CHX book.
- Determine the SNAP Price.
- Route orders away to satisfy Protected Quotations of external markets, if necessary.

Proposed Article 18, Rule 1(b)(3) provides that, if permitted, pursuant to proposed paragraph (b)(2)(E), the Matching System will utilize the market snapshot taken pursuant to proposed paragraph (b)(2)(E) to initiate the Pricing and Satisfaction Period by taking the actions described under proposed subparagraphs (A)–(C).

Thereunder, proposed subparagraph (A) provides that the Matching System shall price all SNAP AOOs marked SNAP AOO—Pegged remaining on the SNAP AOO Queue, then rank such orders on the SNAP CHX book, pursuant to proposed Article 20, Rule 8(b)(3)(E). SNAP AOO—Pegged orders will be priced based on the market snapshot taken pursuant to proposed paragraph (b)(2)(E). Upon the completion of processing the remaining orders on the SNAP AOO Queue, the SNAP CHX book will be complete.

Proposed subparagraph (B) provides that once the process described under proposed subparagraph (A) has been completed, the Matching System shall determine the SNAP Price, as defined under Article 1, Rule 1(rr).[63] If the SNAP Price cannot be determined, the Matching System shall take a snapshot of the Protected Quotation(s) of external market(s) in the subject security and the SNAP Cycle shall continue to the stage five Transition to the Open Trading State, as described below. The most obvious reason that a SNAP Price could not be determined is that there are no orders that could matched. Another reason why the SNAP Price could not be determined is if the limit order marked Start SNAP noted a SNAP minimum size condition, pursuant to proposed Article 1, Rule 2(h)(1)(B), and the minimum size condition was not met. In such a case, the SNAP Price would not be in compliance with ''CHX Rules,'' per the proposed definition. However, if the SNAP Price could be determined and one or more orders must be routed away, pursuant to proposed Article 19, Rule 3(a)(4) and/or (5), the SNAP Cycle would continue to the Satisfaction Period, pursuant to proposed subparagraph (C). If no order routing is necessary, the SNAP Cycle shall continue to the stage four Order Matching Period.

By definition, the SNAP Price will always be at a price that is in compliance with Rule 611 of Regulation NMS, LULD price bands and Rule 201 of Regulation SHO or applicable exemptive relief.[64] Specifically, the SNAP Price will be in compliance with Rule 611 of Regulation NMS through the routing of one or more Intermarket Sweep Orders (''ISOs'') to satisfy Protected Quotations of external markets, as necessary, pursuant to proposed subparagraph (C). Moreover, the SNAP Price will never be outside the LULD Price Bands.

The SNAP Price would also be in compliance with Rule 201 of Regulation SHO or applicable exemptive relief by ensuring that SNAP Eligible Orders marked Sell Short, as defined under Article 1, Rule 2(b)(3)(D), in a covered security subject to the short sale price test restriction, would never participate in a SNAP execution if the SNAP Price were determined to be at or below the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E).[65] Specifically, such SNAP Eligible Orders marked Sell Short ranked on the SNAP CHX book will never have an executable price lower than one minimum price increment above the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E) because such SNAP Eligible Orders marked Sell Short with limit prices at or below that NBB would be repriced to one minimum price increment above that NBB, whereas such SNAP Eligible Orders marked Sell Short with limit prices at one minimum price increment above that NBB or higher would be ranked on the SNAP CHX book at their limit prices without being repriced.[66] Thus, if the SNAP Price were ultimately determined to be at or below the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E),

[61] *See infra* note 82.

[62] *See supra* Section 6.

[63] *See supra* Section 2.

[64] *See supra* note 10.

[65] *Id.* Rule 201(b)(1) of Regulation SHO provides as follows: ''A trading center shall establish, maintain, and enforce written policies and procedures reasonably designed to: (i) Prevent the execution or display of a short sale order of a covered security at a price that is less than or equal to the current national best bid if the price of that covered security decreases by 10% or more from the covered security's closing price as determined by the listing market for the covered security as of the end of regular trading hours on the prior day; and (ii) Impose the requirements of paragraph (b)(1)(i) of this section for the remainder of the day and the following day when a national best bid for the covered security is calculated and disseminated on a current and continuing basis by a plan processor pursuant to an effective national market system plan. (iii) Provided, however, that the policies and procedures must be reasonably designed to permit: (A) The execution of a displayed short sale order of a covered security by a trading center if, at the time of initial display of the short sale order, the order was at a price above the current national best bid; and (B) The execution or display of a short sale order of a covered security marked 'short exempt' without regard to whether the order is at a price that is less than or equal to the current national best bid.'' *See* ''Division of Trading and Markets: Responses to Frequency Asked Questions Concerning Rule 201 of Regulation SHO.'' U.S. Securities and Exchange Commission, 20 Jan. 2011. Web. 16 June 2014. <*http://www.sec.gov/divisions/marketreg/rule201faq.htm*>; *see also* Securities Exchange Act Release No. 50103 (July 28, 2004), 69 FR 48008 (August 6, 2004) (''Short Sales'').

[66] *See infra* Section 6, Examples referring to ''Sell Order E.''

such participating SNAP Eligible Orders marked Sell Short would not be able to execute at the SNAP Price. However, if the SNAP Price were determined to be at one price increment above the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E) or higher, such SNAP Eligible Orders marked Sell Short may execute at the SNAP Price, depending on their respective executable prices and rank on the SNAP CHX book.

In order to clarify how SNAP is designed to comply with Rule 201 of Regulation SHO or applicable exemptive relief, the Exchange proposes to amend Article 20, Rule 8(d)(4) (Rule 201 of Regulation SHO).[67] Initially, the Exchange proposes to reorganize current Rule 8(d)(4) by creating subparagraphs (A) and (B). Proposed subparagraph (A) would contain the current rules concerning Rule 201 of Regulation SHO compliance during the Open Trading State, as well as the stage five Transition to the Open Trading State, as described under proposed Article 18, Rule 1(b)(5), whereas proposed subparagraph (B) would apply to Rule 201 of Regulation SHO compliance (or compliance with applicable exemptive relief) during the stage four Order Matching Period, as described under proposed Article 18, Rule 1(b)(4).[68]

Specifically, proposed subparagraph (A) provides that during the Open Trading State, as defined under proposed Article 1, Rule 1(qq), and the stage five Transition to the Open Trading State, as described under proposed Article 18, Rule 1(b)(5), orders marked Sell Short in a covered security subject to the short sale price test restriction shall be handled as described thereunder. The contents of proposed subparagraphs (A)(i)–(iv) mirror current Article 20, Rule 8(d)(4).

Proposed subparagraph (B) provides that during the stage four Order Matching Period of a SNAP Cycle, as described under proposed Article 18, Rule 1(b)(4), in a covered security subject to the short sale price test restriction, participating SNAP Eligible Orders, as defined under Article 1, Rule 1(ss), marked Sell Short shall not be permitted to execute at prices at or below the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E) and shall be handled as described thereunder.

Proposed subparagraph (B)(i) provides that a SNAP Eligible Order marked Sell Short in a covered security subject to the short sale price test restriction, with a limit price at or below the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E), shall be repriced to one minimum price increment above that NBB for ranking purposes on the SNAP CHX book. A SNAP Eligible Order marked Sell Short in a covered security subject to the short sale price test restriction, with a limit price at one minimum price increment above the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E) or higher, shall be ranked on the SNAP CHX book at its limit price, without repricing. A SNAP Eligible Order marked Short Exempt, as defined under current Article 1, Rule 2(b)(3)(E), in a covered security subject to the short sale price test restriction, shall be handled like a SNAP Eligible Order not marked Sell Short, as described under proposed Article 18, Rule 1(b). Also, a SNAP Eligible Orders marked Sell Short in a covered security subject to the short sale price test restriction will never be permitted to execute at prices at or below the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E).

Proposed subparagraph (B)(ii) provides that the Rule 201(b)(1)(iii)(A) of Regulation SHO exception shall not apply to a SNAP Eligible Order marked Sell Short that is being transitioned to the SNAP CHX book and such an order shall be repriced, if necessary, pursuant to subparagraph (B)(i) above. This language clarifies that the Rule 201(b)(1)(iii)(A) of Regulation SHO exception would not apply to a resting Sell Short order that had been transitioned to the SNAP CHX book because the order would no longer be displayed.

Proposed subparagraph (B)(iii) provides that a limit order marked Start SNAP and Sell Short for a covered security subject to the short sale price test restriction shall not initiate a SNAP Cycle and shall be cancelled. This language mirrors the last sentence of proposed Article 1, Rule 2(h)(1)(A)(ii), which sets forth the pricing requirements for a limit order marked Start SNAP.[69]

Proposed Article 18, Rule 1(b)(3)(C) provides that if the SNAP Price requires the routing of one or more orders, pursuant to proposed Article 19, Rule 3(a)(4) and/or (5), the Exchange's routing systems shall route away the necessary SNAP Eligible Orders, or portions thereof, based on their execution priority, pursuant to proposed paragraph (b)(4)(A). The Matching System shall then delay proceeding to the stage four Order Matching Period for 200 milliseconds or until all the confirmations for routed orders have been received from away market(s), whichever occurs first. Moreover, the unexecuted remainders of orders routed away pursuant to proposed Article 19, Rule 3(a)(4) and/or (5) returned to the Matching System *prior* to the expiration of the Satisfaction Period during which the orders were routed away shall maintain their respective original execution priority within the SNAP CHX book,[70] whereas such unexecuted remainders returned to the Matching System *after* the expiration of the Satisfaction Period during which the orders were routed away shall be handled pursuant to amended Article 20, Rule 8(b)(7), as discussed below.

The purpose of the Satisfaction Period, which includes the period of time during which orders are routed away pursuant to proposed Article 19, Rule 3(a)(4) and/or (5) (''SNAP routed orders'') and the subsequent delay of up to 200 milliseconds, is to give away markets sufficient time to respond to the SNAP routed orders, so that any unexecuted SNAP routed orders would be included in the SNAP execution within the Matching System. If the Exchange receives confirmations concerning all SNAP routed orders prior to the expiration of the 200-millisecond period, the SNAP Cycle will immediately move on to the stage four Order Matching Period. At the expiration of the 200-millisecond time period, the SNAP Cycle will continue to the stage four Order Matching Period, even if the Exchange had not received confirmations for all SNAP routed orders. To the extent that the Exchange does not receive confirmation(s) for routed order(s) prior to the expiration of the 200 millisecond time period, the corresponding SNAP Eligible Order(s) would not participate in the instant SNAP Cycle. In such a case, upon the eventual receipt of the away execution or cancellation confirmation by the Matching System, the corresponding order(s) would be handled pursuant to amended Article 20, Rule 8(b)(7).

While current Article 20, Rule 8(b)(7) addresses the priority of unexecuted remainders of routed orders returned to the Matching System, it does not address such priority in the context of the SNAP Cycle. Thus, the Exchange proposes to expand Article 20, Rule 8(b)(7) to provide that an unexecuted remainder of a routed order returned to the Matching System in one or more

[67] *See supra* note 10.

[68] *Id.*

[69] *See supra* Section 3.

[70] *See infra* Section 6, Examples 7 and 9 regarding ''Buy Order F.''

parts shall be added to the existing balance of the related Routable Order already posted to the CHX book, *the SNAP CHX book or the SNAP AOO Queue,*[71] *as applicable*. Moreover, if no balance exists at the time a part of an unexecuted remainder of a routed order is returned to the Matching System, it shall be treated as a new incoming order, *subject to proposed Article 18, Rule 1(b)(3)(C).* As discussed above, proposed Article 18, Rule 1(b)(3)(C) provides, in pertinent part, that the unexecuted remainders of orders routed away pursuant to proposed Article 19, Rule 3(a)(4) and/or (5) returned to the Matching System prior to the expiration of the Satisfaction Period during which the orders were routed away would maintain their respective original execution priority within the SNAP CHX book and, thus, would not be treated as new incoming orders.

The Exchange also proposes to adopt two new Routing Events, as proposed Article 19, Rule 3(a)(4) and (5). In sum, proposed Article 19, Rule 3(a)(4) is designed to prevent improper trade-through(s) in compliance with Regulation NMS, whereas proposed Article 19, Rule 3(a)(5) is designed to increase the execution of participating SNAP Eligible Orders at the SNAP Price if they cannot be executed within the Matching System due to an order imbalance at the SNAP Price.[72]

Specifically, proposed paragraph (a)(4) provides that Routable Orders, or portions thereof, shall be routed away to permit SNAP Eligible Orders to be executed within the Matching System at the SNAP Price (''Routing Event #4'') in compliance with Regulation NMS.[73] Orders routed away pursuant to this Routing Event #4 shall be priced at the SNAP Price, as opposed to the contra-side Protected Quotation price, so that the routed order would maximize the chance of executions at multiple price points. Moreover, where the SNAP Price is priced at a price increment smaller than the relevant minimum price increment (*e.g.,* $10.005), the routed order shall be priced at the minimum price increment less aggressive than the SNAP Price.

Proposed paragraph (a)(5) provides that Routable Orders, or portions thereof, shall be routed away so as to execute SNAP Eligible Orders at the SNAP Price against Protected Quotations of external markets priced at the SNAP Price that could not be matched within the Matching System during a SNAP Cycle (''Routing Events #5). Routing Event #5 addresses order imbalances on the SNAP CHX book at the SNAP Price by routing away orders, or portions thereof, that could not be executed within the Matching System, only if the contra-side Protected Quotation(s) of external market(s) are priced at the SNAP Price.

Mechanically, similar to how routed orders are currently handled during the Open Trading State, SNAP Eligible Orders or portions thereof that have been routed away are placed in a pending state by the Exchange's routing systems. Away execution confirmations will result in the corresponding SNAP Eligible Order being released from the pending state as executed. Away cancellation confirmations, however, will be handled differently depending on when the confirmation was received. If the away cancellation confirmation is received during the Satisfaction Period, the corresponding SNAP Eligible Order would be released as cancelled and placed back in the SNAP CHX book at its original rank. If the away cancellation confirmation is received after the Satisfaction Period, but during the SNAP Cycle, or during a subsequent SNAP Cycle, the cancellation confirmation would be placed in the FIFO Queue for processing during the stage five Transition to the Open Trading State. If the away cancellation confirmation is received otherwise than during a SNAP Cycle, it shall be processed immediately upon receipt, as they are currently.

Examples 5–8 illustrate the various processes of the stage three Pricing and Satisfaction Period.[74]

Stage Four: Order Matching Period

Upon the conclusion of the stage three Pricing and Satisfaction Period, proposed paragraph (b)(4) provides that orders remaining on the SNAP CHX book, if any, shall be matched at the SNAP Price.

Proposed subparagraph (A) provides the execution priority of orders at the SNAP Price. Specifically, SNAP Eligible Orders with a Working Price at or more aggressive than the SNAP Price shall be executed in Working Price priority and if more than one such order shares the same Working Price, then as described under proposed Article 20, Rule 8(b)(3).[75] That is, orders will be executed according to their rank at the SNAP Price, except that orders with a more aggressive Working Price shall be executed first.

The Exchange utilizes the term ''Working Price,'' as opposed to ''limit price'' or ''price,'' in discussing execution priority, so as to be clear that orders with a limit price through the LULD Price Bands or marked Sell Short with a limit price at or below the NBB during a short sale price test restriction, shall only receive execution priority based on the most aggressive price at which such orders could execute (*i.e.,* Working Price) and not based on a limit price that could not be executable. For example, a SNAP Eligible buy order priced through the Upper Price Band would receive priority based on its Working Price, which is at the Upper Price Band, and a SNAP Eligible Order marked Sell Short with a limit price at or below the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E), during a short sale price test restriction of Rule 201 of Regulation SHO, would be repriced, pursuant to proposed Article 20, Rule 8(d)(4)(B)(i), and would receive priority based on its new price.[76]

It is important to note that during the Open Trading State, orders always execute at the Working Price of the resting order, pursuant to current Article 20, Rule 8(d)(1). However, as noted above, during a SNAP Cycle, participating SNAP Eligible Orders may execute at prices less aggressive than its Working Price. Thus, as an exception to current Article 20, Rule 8(d)(1), the Exchange proposes to amend Article 20, Rule 8(e)(2) to provide that during a SNAP Cycle, participating SNAP Eligible Orders shall be executed within the Matching System at the SNAP Price, pursuant to proposed Article 18, Rule 1(b)(4)(A). Incidentally, the Exchange proposes to amend the header to current Article 20, Rule 8(e) to provide that the amended rule addresses execution of certain orders, order types and auctions.

Proposed subparagraph (B) provides that upon conclusion of the matching of orders at the SNAP Price, the Matching System shall then take a snapshot of the Protected Quotation(s) of external market(s) in the subject security. Similar to the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E),

[71] For example, an unexecuted remainder of a partially routed SNAP AOO—Day returned to the Matching System after the conclusion of the SNAP Cycle during which the order was partially routed would be added to any existing unrouted and unexecuted balance of the same SNAP AOO—Day that was re-queued during the stage five transition the Open Trading State.

[72] Currently, Routable Orders may be routed away from the Exchange if a Routing Event, listed under Article 19, Rule 3(a) is triggered.

[73] Incidentally, the Exchange proposes to amend Article 1, Rule 1(oo) defining ''Routable Order'' to add that during a SNAP Cycle, participating SNAP Eligible Orders are always Routable Orders.

[74] *See infra* Section 6.

[75] *Compare e.g.,* BATS Exchange Rule 11.23(b)(2)(C).

[76] *See supra* note 10.

this snapshot will be utilized for regulatory compliance purposes in transitioning to the Open Trading State.

Example 9 illustrates the execution priority of the stage four Order Matching Period.[77]

Stage Five: Transition to the Open Trading State

Upon conclusion of the stage two SNAP Order Acceptance Period or stage four Order Matching Period, as applicable, the Exchange shall take the following actions, pursuant to proposed Article 18, Rule 1(b)(5):

- Route away or cancel resting orders on the SNAP CHX book or transfer such resting orders to the CHX book or SNAP AOO Queue, as applicable, in preparation for the Open Trading State.
- Process the FIFO Queue.
- Notify the market that the SNAP has concluded and begin the normal dissemination of relevant market data in the subject security.

Proposed Article 18, Rule 1(b)(5) provides that upon conclusion of stages two, three or four of the SNAP Cycle, the Matching System shall utilize the relevant market snapshot taken pursuant to proposed paragraph (b)(2)(E) or (F), (b)(3)(B) or (b)(4)(B), as applicable, to transition trading in the subject security to the Open Trading State by taking the actions described under proposed subparagraphs (A)–(C).

Proposed subparagraph (A) provides that orders resting on the SNAP CHX book shall be transitioned to the CHX book and shall be ranked, pursuant to proposed Article 20, Rule 8(b)(1); routed away, pursuant to Article 19, Rule 3(a); placed in the proposed SNAP AOO Queue, pursuant to proposed Article 20, Rule 8(b)(2)(A), if the order is a SNAP AOO that may participate in a subsequent SNAP Cycle; or otherwise cancelled. All order modifiers attached to the SNAP Eligible Orders being transitioned to the CHX book that were deactivated shall be reactivated prior to transition to the CHX book.

Proposed subparagraph (B) provides that once the process under subparagraph (A) has been completed, all messages queued under the FIFO Queue, as described under proposed paragraph (b)(2)(C), shall be processed as incoming messages in the order in which they were received.[78] Thus, new orders that have been queued in the FIFO Queue may be ranked, cancelled, deactivated or routed, depending on the attached order modifiers and the relevant market snapshot.

Proposed subparagraph (C) provides that once the processes under proposed subparagraphs (A) and (B) have been completed, the Exchange will notify the market that the SNAP Cycle has concluded; publish CHX's Protected Quotation(s) in the subject security, if any; and begin the dissemination of relevant order information concerning orders resting on the CHX book, pursuant to current Article 4, Rule 1.[79]

Example 10 illustrates the various processes of the stage five Transition to the Open Trading State.[80]

Halt and Pause during a SNAP Cycle

Proposed Article 18, Rule 1(c) outlines the interplay between the SNAP Cycle and trading halts or pauses that require the Exchange to suspend trading in the subject security (''material halt or pause'').[81] Currently, the Exchange suspends trading in a subject security upon receipt of a material halt or pause messages from the securities information processor (''SIP''). Since the SNAP Cycle is a sub-second process and the Matching System only draws upon the SIP data at three different points in the SNAP Cycle,[82] the Exchange proposes to require the SNAP Cycle to be aborted at those points if a material halt or pause is declared in the subject security and to unwind the SNAP Cycle in a manner consistent with current CHX Rules.[83]

Proposed paragraph (c) provides that if a material halt or pause is in effect for a subject security at the time a limit order marked Start SNAP is received, a SNAP Cycle shall not be initiated. In the event a material halt or pause has been declared for the subject security during a SNAP Cycle, the Exchange shall take the actions as described thereunder, as applicable.

Proposed paragraph (c)(1) provides that during either -1- a LULD Trading Pause or -2- a material halt or pause other than a LULD Trading Pause, the Exchange shall take the steps as described under subparagraphs (A)–(C), as applicable.

Subparagraph (A) (During stages one or two) provides that if the market snapshot taken pursuant to proposed paragraph (b)(2)(E) or (F) indicates that a material halt or pause is in effect, the SNAP Cycle shall be aborted and not proceed to stage three or stage five, as applicable. The Exchange shall then either:

(i) cancel all orders resting on the SNAP CHX book, subject to proposed paragraph (c)(2) below, for a LULD Trading Pause; or

(ii) cancel all resting orders received during the SNAP Order Acceptance Period that have been ranked on the SNAP CHX book, but otherwise maintain all other resting orders not marked Cancel On Halt, as defined under Article 1, Rule 2(b)(1)(B), subject to proposed paragraph (c)(2) below and Article 20, Rule 12(a),[84] for a material halt or pause other than an LULD Trading Pause.

Proposed subparagraph (A)(i) is consistent with the current LULD Trading Pause rules, which requires the Exchange to cancel all orders resting on the CHX book during a LULD Trading Pause.[85]

Proposed subparagraph (A)(ii) is consistent with the current rules for a material halt or pause other than an LULD Trading Pause, which permits the Exchange to maintain all orders within the Matching System during a material halt or pause other than a LULD Trading Pause.[86] Since the SNAP CHX book could be locked and/or crossed after the conclusion of the stage two SNAP Order Acceptance Period, the Exchange proposes to unlock or uncross the SNAP

[77] *See infra* Section 6.

[78] Messages queued in the FIFO Queue are not considered to have been received by the Matching System.

[79] *See supra* note 46.

[80] *See infra* Section 6.

[81] Certain trading halts initiated by away markets would be considered immaterial for the purposes of proposed CHX Article 18, Rule 1(c), because such a halt would not require the Exchange to cease trading in the subject security (*e.g.,* technical problems at an away exchange which causes other exchanges to declare self-help).

[82] As discussed above, the Matching System will take three market snapshots during the SNAP Cycle based on SIP data of away markets. The first snapshot will be taken in validating the pricing requirement of a limit order marked Start SNAP, pursuant to proposed CHX Article 1, Rule 2(h)(1)(A)(ii). The second snapshot will be taken to establish the SNAP Price and route orders, pursuant to proposed CHX Article 18, Rule 1(b)(2)(E). The third snapshot will be taken to transition orders to the Open Trading State at one of three points during a SNAP Cycle, as applicable: -1- during the stage two Order Acceptance Period, pursuant to proposed CHX Article 18, Rule 1(b)(2)(F), if a two-sided NBBO does not exist or the CHX Routing Services are unavailable; -2- during the stage three Pricing and Satisfaction Period, pursuant to proposed CHX Article 18, Rule 1(b)(3)(B), if a SNAP Price could not be determined; or during the stage four Order Matching Period, pursuant to proposed CHX Article 18, Rule 1(b)(4)(B), after the matching of orders at the SNAP Price.

[83] The Exchange has two different processes for addressing material halts or pauses. LULD trading pauses are addressed pursuant to CHX Article 20, Rule 2A(c), whereas all other material halts or pauses are addressed pursuant to paragraph .02 of CHX Article 20, Rule 1. The Exchange also has the authority to cancel orders within the Matching System, pursuant to CHX Article 20, Rule 12(a).

[84] CHX Article 20, Rule 12(a) permits the Exchange to cancel orders as it deems to be necessary to maintain fair and orderly markets if, among other places, a technical or systems issue occurs at the Exchange.

[85] *See* CHX Article 20, Rule 2A(c)(3)(A).

[86] *See* paragraph .02 of CHX Article 20, Rule 1.

CHX book by cancelling all orders received during the SNAP Order Acceptance Period, subject to proposed paragraph (c)(2) and Article 20, Rule 12(a). Thus, an uncrossed book would be achieved by essentially reverting to the state of the CHX book at the time the SNAP Cycle was initiated because the CHX book is never locked or crossed during the Open Trading State.

Subparagraph (B) (During stages three or four) provides that if the market snapshot taken pursuant to proposed paragraph (b)(3)(B) or paragraph (b)(4)(B) indicates that a material halt or pause is in effect for the subject security, the SNAP Cycle shall be aborted and will not proceed to stage five. The Exchange shall then either:

(i) Cancel the unexecuted remainders of all orders resting on the SNAP CHX book, subject to paragraph (c)(2) below, for a LULD Trading Pause; or

(ii) maintain all unexecuted resting orders not marked Cancel On Halt, subject to paragraph (c)(2) below and Article 20, Rule 12(a),[87] for a material halt or pause other than an LULD Trading Pause; provided, however, that if the SNAP Price could not be determined, pursuant to proposed paragraph (b)(3)(B) above, resting orders will be handled pursuant to proposed subparagraph (A)(ii) above.

Proposed subparagraph (B)(i) is consistent with the current LULD Trading Pause rules, which requires the Exchange to cancel all orders resting on the CHX book during a LULD Trading Pause.[88]

Proposed subparagraph (B)(ii) is consistent with the current rules for a material halt or pause other than an LULD Trading Pause, which permits the Exchange to maintain all orders within the Matching System during a material halt or pause other than a LULD Trading Pause.[89] While a SNAP Cycle that was completed through the stage four Order Matching Period would always result in an unlocked and uncrossed SNAP CHX book, a SNAP Cycle that was aborted due to an inability to determine a SNAP Price, pursuant to proposed paragraph (b)(3)(B), could result in a locked or crossed SNAP CHX book (*e.g.,* the SNAP Price did not meet the SNAP minimum execution size condition). Thus, in such a case, the Exchange proposes to handle order cancellations pursuant to proposed subparagraph (A)(ii), as discussed above.

Proposed subparagraph (C) provides that any subsequent material halt or pause shall be handled pursuant to the relevant CHX Rules.[90]

Proposed paragraph (c)(2) (SNAP AOOs) provides an exception for SNAP AOOs from the order cancellation requirements of proposed paragraph (c)(1). It provides that upon initiation of a material halt or pause, all SNAP AOOs not marked Cancel On Halt or otherwise cancelled by the order sender that are -1- on the SNAP AOO Queue or -2- resting on the SNAP CHX book and may be re-queued on the SNAP AOO Queue,[91] shall remain or be re-queued on the SNAP AOO Queue, as applicable, and not cancelled.

Proposed paragraph (c)(3) (FIFO Queue) provides that upon the initiation of a material halt or pause, the FIFO Queue shall be processed until exhausted. The FIFO Queue must be processed because messages on the FIFO Queue are not considered to have been received by the Matching System until they are sent to the Matching System. Thus, the FIFO Queue messages will be handled as incoming messages and processed pursuant to proposed paragraphs (c)(4) and (c)(5).

Proposed paragraph (c)(4) (Incoming orders) provides that upon initiation of a material halt or pause and for the remainder of the material halt or pause, all incoming orders shall be rejected; provided, however, that incoming SNAP AOOs shall be placed on the SNAP AOO Queue, if the material halt or pause is not the result of a systems issue at the Exchange. That is, if the material halt or pause is the result of a systems issue at the Exchange, all incoming orders shall be rejected, without exception.

Proposed paragraph (c)(5) (Incoming cancel messages) provides that incoming cancel messages and the cancel component of cancel/replace messages shall be immediately processed during a material halt or pause. The replace component of a cancel/replace message, which is a new incoming order, would be ignored, pursuant to proposed paragraph (c)(4).

In light of the proposed paragraph (c), the Exchange proposes to amend paragraph .02 of Article 20, Rule 1 and Article 20, Rule 2A(c)(3) to provide that the actions described thereunder are subject to proposed Article 18, Rule 1(c), as the current rules do not contemplate special treatment for SNAP AOOs or the SNAP AOO Queue. The Exchange also proposes to clarify that the provisions of paragraph .02 of Article 20, Rule 1 only apply to halts or pauses, ''which requires the Exchange to suspend trading in the issue, other than a LULD Trading Pause.'' [92]

Example 5 illustrates how a trading halt or pause may abort a SNAP Cycle in progress.

SECTION SIX: Examples

The following Examples are illustrative of the SNAP Cycle, but do not exhaustively depict every possible scenario during a SNAP Cycle. Moreover, the charts used herein are illustrative and do not necessarily depict the actual technical processes involved in sorting orders.

Example 1: Precedent Orders. Assume that the NBBO for security XYZ is $10.00 x $10.01 and the short sale price test restriction is in effect. Assume that the CHX book is empty. Assume also that the Protected Quotations of external markets in security XYZ is as follows:

- *Protected Bid A* at Exchange 1 displaying 500 shares at $10.00.
- *Protected Offer A* at Exchange 2 displaying 500 shares at $10.01.
- *Protected Offer B* at Exchange 3 displaying 500 shares at $10.02.

Assume then that the Exchange receives orders in security XYZ at 10:59 a.m. during the Open Trading State in the following sequence:

- *Buy Order A* for 5000 shares priced at $10.00/share marked Reserve Size, with 1000 displayed and 4000 reserved.
- *Buy Order B* for 100 shares priced at $10.04/share marked CHX Only,[93] price slid to a Working Price of $10.01 and displayed at $10.00.
- *Buy Order C* for 100 shares priced at $9.99/share marked Cancel On SNAP.
- *Sell Order A* for 200 shares priced at $10.03/share.
- *Sell Order B* for 3,000 shares priced at $10.00/share marked SNAP AOO—Day and SNAP AOO—Pegged—Midpoint.

Under this Example 1, Buy Orders A through C and Sell Order A would be immediately posted to the CHX book and ranked in the CHX book pursuant to proposed Article 20, Rule 8(b)(1)(A)–(C) (*i.e.,* current Article 20, Rule 8(b)(1)–(3)). However, Sell Order B would be placed in the SNAP AOO Queue, pursuant to proposed Article 20, Rule 8(b)(2)(A), and not immediately ranked, as SNAP AOOs are never active during the Open Trading State.

Example 2: Initiating the SNAP Cycle. Assume the same as Example 1. Assume that at 11:00 a.m., the Matching System receives the following order:

- *Buy Order D* for 25,000 shares of security XYZ priced at $10.02/share

[87] *See supra* note 84.

[88] *See supra* note 83.

[89] *See* paragraph .02 of CHX Article 20, Rule 1.

[90] *See supra* note 83.

[91] *See* proposed CHX Article 1, Rule 2(h)(3)(A) and (B).

[92] *See supra* note 81.

[93] *See* CHX Article 1, Rule 2(b)(3)(C).

marked Start SNAP with a minimum SNAP execution size condition noted.

Assume also that the CHX Routing Services are available and operational.

Under this Example 2, Buy Order D would initiate a SNAP Cycle in security XYZ because Buy Order D meets the size, price, time and routing availability requirements of proposed Article 1, Rule 2(h)(1)(A). Thus, the Matching System would validate Buy Order D. The Exchange would then take the actions as described under proposed Article 18, Rule 1(b)(1).

The Matching System would then begin the stage two SNAP Order Acceptance Period, pursuant to Article 18, Rule 1(b)(2), as follows:

• All order modifiers listed under proposed subparagraph (D) would be deactivated.

• *Buy Order A* would be ranked on the SNAP CHX book. The 1000 displayed shares would be ranked at each price point up to its limit price of $10.00, pursuant to proposed Article 20, Rule 8(b)(3)(A), while the remaining undisplayed 4000 reserved shares would be ranked at each price point up to its limit price of $10.00, pursuant to proposed Article 20, Rule 8(b)(3)(B).

• *Buy Order B* would be ranked on the SNAP CHX book at each price point up to its limit price of $10.04, pursuant to proposed Article 20, Rule 8(b)(3)(A). In doing so, Buy Order B would be unslid from its previous Working Price of $10.00 because the CHX Only modifier would be deactivated prior to the order being ranked on the SNAP CHX book.

• *Buy Order C* would be cancelled because it is ineligible for SNAP.

• *Sell Order A* would be ranked on the SNAP CHX book at each price point down to its limit price of $10.03, pursuant to proposed Article 20, Rule 8(b)(3)(A).

• *Sell Order B* would remain on the SNAP AOO Queue, as SNAP AOOs marked SNAP AOO—Pegged are only ranked on the SNAP CHX book during the stage three Pricing and Satisfaction Period, pursuant to proposed Article 18, Rule 1(b)(3)(A).

• *Buy Order D* would be ranked on the SNAP CHX book at each price point up to its limit price of $10.02, pursuant to proposed Article 20, Rule 8(b)(3)(D).

Thus, the SNAP CHX book for security XYZ is now as follows:

SNAP CHX Book and Away Protected Quotes—Example 2

Buy orders				Price point	Sell orders			
Total *away* buy size *at* price point	Total *CHX* buy size *at* price point	Total buy size *better* than price point	Total buy size *at and better* than price point		Total sell size *at and better* than price point	Total sell size *better* than price point	Total *CHX* sell size *at* price point	Total *away* sell size *at* price point
0	0	0	0	10.05	1,200	1,200	0	0
0	100	0	100	10.04	1,200	1,200	0	0
0	0	100	100	10.03	1,200	1,000	200	0
0	25,000	100	25,100	10.02	1,000	500	0	500
0	0	25,100	25,100	10.01	500	0	0	500
500	5,000	25,100	30,600	10.00	0	0	0	0
0	0	30,600	30,600	9.99	0	0	0	0

Example 3: SNAP Order Acceptance Period. Assume the same as Example 2 and the eligible same day last sale in security XYZ was priced at $10.01. Assume then that during the SNAP Order Acceptance Period, the Exchange receives the following orders in security XYZ:

• *Buy Order E* for 5,000 shares of security XYZ priced at $10.03/share marked SNAP AOO—Day.

• *Sell Order C* for 25,000 shares of security XYZ at $10.00/share marked Start SNAP.

• *Sell Order D* for 100 shares of security XYZ at market.

• *Sell Order E* for 100 shares of security XYZ priced at $10.00/share marked Sell Short and Do Not Display.

• *Buy Order F* for 2,500 shares of security XYZ marked SNAP AOO—One And Done and SNAP AOO—Pegged—Market (+ three minimum price increments more aggressive).

The Exchange would handle the orders as follows:

• *Buy Order E* would be ranked on the SNAP CHX book at each price point up to its limit price of $10.03, pursuant to Article 20, Rule 8(b)(3)(E).

• *Sell Order C* would not trigger a SNAP Cycle because it was received during an ongoing SNAP Cycle, pursuant to proposed Article 1, Rule 2(h)(1)(A)(iii). However, Sell Order C would nevertheless join the SNAP Cycle in progress, pursuant to proposed Article 1, Rule 2(h)(1)(C), because it meets the minimum size requirement for SNAP AOOs, pursuant to proposed Article 1, Rule 2(h)(3). Thus, Sell Order C would be handled as SNAP AOO—One And Done and would be ranked on the SNAP CHX book at each price point down to its limit price of $10.00.

• *Sell Order D* would be immediately cancelled by the Matching System because it is a market order and, thus, not a SNAP Eligible Order.

• *Sell Order E* would be ranked on the SNAP CHX book, pursuant to Article 20, Rule 8(b)(3)(E), at each price point down to its Working Price of $10.01 and not its limit price of $10.00, pursuant to proposed Article 20, Rule 8(d)(4)(B)(i), because it is a Sell Short order priced at the NBB during a short sale price test restriction in a covered security. This would be achieved by repricing Sell Order E from $10.00 to $10.01.

• *Buy Order F* would be placed on the SNAP AOO Queue, pursuant to proposed Article 20, Rule 8(b)(2)(A), as SNAP AOOs marked SNAP AOO—Pegged are only ranked on the SNAP CHX book during the stage three Pricing and Satisfaction Period, pursuant to proposed Article 18, Rule 1(b)(3)(A).

Thus, the SNAP AOO Queue for security XYZ is as follows:

SNAP AOO Queue—Example 3

1	Sell Order B.
2	Buy Order F.

Example 4: FIFO Queue. Assume the same as Example 3. Assume then that during the SNAP Order Acceptance Period, the Exchange receives the following messages in order:

• *Cancel Buy Order B.*

• *Cross Order A* for 100,000 shares of security XYZ priced at $10.01/share.

Under this Example 4, the Exchange will place Cancel Buy Order B and Cross Order A in the FIFO Queue, pursuant to proposed Article 18, Rule

1(b)(2)(C), in the order in which they were received.

Thus, the FIFO Queue for security XYZ is as follows:

FIFO QUEUE—EXAMPLE 4

1	Cancel.
	Buy Order B.
2	Cross Order A.

Example 5: SNAP AOO Queue Processing. Assume the same as Example 4 and that the SNAP Order Acceptance Period ends without any additional orders received. Assume also that the market snapshot taken of security XYZ, pursuant to proposed Article 18, Rule 1(b)(2)(E), remains unchanged from Example 1.

Assuming that the market snapshot does not indicate that a material halt or pause has been issued in the security and that the CHX Routing Services are available, the SNAP Cycle would continue to the stage three Pricing and Satisfaction Period.

Thus, pursuant to proposed Article 18, Rule 1(b)(3)(A), the Matching System would utilize that single market snapshot and process the SNAP AOO Queue and rank such orders on the SNAP CHX book as follows:

- *Sell Order B* would be processed first and since Sell Order B is marked SNAP AOO—Midpoint, the Matching System will utilize the latest market snapshot to determine the NBBO midpoint price of $10.005. Since $10.005 is less aggressive than the stated limit price of Sell Order B of $10.00, pursuant to proposed Article 1, Rule 2(h)(3)(C), the Matching System will rank all 3,000 shares of Sell Order B at each price point down to $10.005.
- *Buy Order F* would then be processed and since Buy Order F is marked SNAP AOO—Market (+ three minimum price increments more aggressive) and does not have an optional limit price noted, the Matching System will rank all 2,500 shares of Buy Order F at each price point up to three minimum price increments more aggressive than the NBO, which is $10.04.

Thus, the SNAP CHX book for security XYZ is now as follows:

SNAP CHX BOOK AND AWAY PROTECTED QUOTES—EXAMPLE 5

Buy orders				Price Point	Sell orders			
Total *away* buy size *at* price point	Total *CHX* buy size *at* price point	Total buy size *better* than price point	Total buy size *at and better* than price point		Total sell size *at and better* than price point	Total sell size *better* than price point	Total *CHX* sell size *at* price point	Total *away* sell size *at* price point
0	0	0	0	10.05	29,300	29,300	0	0
0	2,600	0	2,600	10.04	29,300	29,300	0	0
0	5,000	2,600	7,600	10.03	29,300	29,100	200	0
0	25,000	7,600	32,600	10.02	29,100	28,600	0	500
0	0	32,600	32,600	10.01	28,600	28,000	100	500
0	0	32,600	32,600	10.005	28,000	25,000	3,000	0
500	5,000	32,600	38,100	10.00	25,000	0	25,000	0
0	0	38,100	38,100	9.99	0	0	0	0

If, however, the market snapshot indicated that a relevant trading halt or pause was issued in the subject security, the SNAP Cycle would not continue to the stage three Pricing and Satisfaction Period and the SNAP would be unwound pursuant to proposed Article 18, Rule 1(c). Similarly, if the CHX Routing Services were not available at the conclusion of the stage two SNAP Order Acceptance Period, the SNAP Cycle would immediately proceed to the stage five Transition to the Open Trading State.

Example 6: SNAP Price and Minimum Size Condition. Assume the same as Example 5.

The Matching System will now attempt to establish the SNAP Price, pursuant to proposed Article 18, Rule 1(b)(3)(B). Pursuant to proposed Article 1, Rule 1(rr), the SNAP Price is a single price at which the greatest number of shares may be executed during a SNAP Cycle, which would not trade-through any more aggressively priced orders on either side of the market. The size requirement is inclusive of all executions that may result during the SNAP Cycle, which would include executions within and without the Matching System.

Under this Example 6, the SNAP Price is determined by ascertaining the price point with the greatest number of shares that may be executed. Pursuant to the Example 5 chart, that price point would be $10.02, with 29,100 executable shares (*i.e.,* 1,000 executable shares away and 28,100 executable shares within the Matching System).

The next step would be to ensure that no orders priced more aggressively than $10.02 on the SNAP CHX book would be traded-through by verifying that -1- the total buy size at and better than $10.02, minus away size, is equal to or greater than the total sell size better than $10.02 (*i.e.,* 32,600 ≥ 28,600) *and* -2- the total sell size at and better than $10.02, minus away size, is equal to or greater than the total buy size better than $10.02 (*i.e.,* 28,100 ≥ 7,600). Thus, the total executable size within the Matching System on one side of the market will cover all orders that *must* be executed within the Matching System on the other side of the market to avoid an impermissible trade-through of the CHX book and Protected Quotations of external markets. This requirement is satisfied at $10.02.

Since Buy Order D noted a minimum SNAP execution size condition, the SNAP Price will only be $10.02, if the size requirement, as described under proposed Article 1, Rule 2(h)(1)(B), is met.

Under this Example 6, the sum of the minimum number of shares that could be executed within the Matching System (*i.e.,* 28,100), plus all shares that are to be routed away (*i.e.,* 1,000 shares), equals 29,100 shares, which is greater than the minimum size requirement that was necessary to trigger the instant SNAP Cycle (*i.e.,* (a) at least 2,500 shares and minimum aggregate notional value of $250,000 or (b) at least 20,000 shares with no minimum aggregate notional value requirement). Thus, the minimum size condition is met and the SNAP Price will be $10.02.

Example 7: Satisfaction Period. Assume the same as Example 6. Since execution at the SNAP Price of $10.02 would result in one or more orders, or portions thereof, to be routed away (*i.e.,* to satisfy Protected Offers A and B), the SNAP Cycle will enter the Satisfaction

Period prior to matching orders within the Matching System at the SNAP Price.

Pursuant to proposed Article 18, Rule 1(b)(3)(C), orders to be routed away would be selected based on their execution priority, in a manner consistent with proposed Article 19, Rule 3(a)(4). After routing orders away, the Matching System will delay executing the 28,100 shares within the Matching System for 200 milliseconds or until all confirmations are received from away markets, whichever is sooner.

Under this Example 7, execution priority on the buy side is as follows:

- *Buy Order B* for 100 shares, with a Working Price of $10.04.
- *Buy Order F* for 2,500 shares, with a Working Price of $10.04.
- *Buy Order E* for 5,000 shares with a Working Price of $10.03.
- *Buy Order D* for 25,000 shares, with a Working Price of $10.02.

Whereas, execution priority on the sell side is as follows:

- *Sell Order C* for 25,000 shares, with a Working Price of $10.00.
- *Sell Order B* for 3,000 shares, with a Working Price of $10.005.
- *Sell Order E* for 100 shares, with a Working Price of $10.01.

Pursuant to proposed Article 19, Rule 3(a)(4), the Exchange's routing systems would route away one corresponding routing buy order for 500 shares of security XYZ priced at $10.02/share to execute against the 500 displayed shares of Protected Offer A at $10.01, representing 100 shares of Buy Order B and 400 shares of Buy Order F (''Routed Order A''). In addition, pursuant to proposed Article 19, Rule 3(a)(5), the Exchange's routing systems would route away one corresponding routing buy order for 500 shares of security XYZ priced at $10.02/share to execute against the 500 displayed shares of Protected Offer B at $10.02, representing the next 500 shares of Buy Order F (''Routed Order B'').

During the Satisfaction Period, the routed portions of Buy Orders B and F will enter a pending state on the Exchange's routing systems. The routed portions of Buy Orders B and F will be released as either executed or cancelled, depending on the confirmation returned from the away market.

Assume then that within the Satisfaction Period, the Matching System receives an order execution confirmation for Routed Order A and a cancellation confirmation for Routed Order B. In this case, -1- all 100 shares of Buy Order B and -2- 400 shares of Buy Order F represented by Routed Order A would be released as executed. However, the 500 shares of Buy Order F represented by Routed Order B would be released as unexecuted and would join the existing balance of Buy Order F at its original rank on the SNAP CHX book.

Example 8: SNAP Eligible Order received after SNAP Order Acceptance Period. Assume the same as Example 7 and that during the Satisfaction Period, the Exchange receives the following orders:

- *Buy Order G* for 100 shares of security XYZ priced at $10.03/share.
- *Sell Order F* for 100 shares of security XYZ priced at $10.02/share marked Post Only.
- *Buy Order H* for 5,000 shares of security XYZ priced at $10.02/share marked SNAP AOO—One And Done.
- *Buy Order I* for 100 shares of security XYZ priced at $10.03/share.
- *Buy Order J* for 100 shares of security XYZ priced at $10.02/share marked IOC.

Pursuant to proposed Article 18, Rule 1(b)(2)(B)(i), incoming SNAP Eligible Orders that are received after the SNAP Order Acceptance Period, but during a SNAP Cycle, will be placed in the FIFO Queue, pursuant to proposed subparagraph (C). Pursuant to proposed Article 18, Rule 1(b)(2)(B)(ii), incoming non-SNAP Eligible Orders will be immediately cancelled.

Since Buy Orders G–I and Sell Order F are SNAP Eligible Orders, they will all be placed in the FIFO Queue, which is now as follows:

FIFO QUEUE—EXAMPLE 8

1	Cancel.
	Buy Order B.
2	Cross Order A.
3	Buy Order G.
4	Sell Order F.
5	Buy Order H.
6	Buy Order I.

Buy Order J will be immediately cancelled because it is non-SNAP Eligible Order by virtue of its IOC designation.

Example 9: Order Matching. Assume the same as Example 8.

Upon conclusion of the Satisfaction Period, the SNAP Cycle would continue to the stage four Order Matching Period and execute 28,100 shares within the Matching System at the SNAP Price of $10.02, in the following priority, pursuant to proposed Article 18, Rule 1(b)(4)(A):

Under this Example 9, execution priority on the buy side is as follows:

- *Buy Order F* for the remaining 2,100 shares.
- *Buy Order E* for all 5,000 shares.
- *Buy Order D* for 21,000 shares, with 4,000 shares remaining unexecuted.[94]

Whereas, execution priority on the sell side is as follows:

- *Sell Order C* for 25,000 shares.
- *Sell Order B* for 3,000 shares.
- *Sell Order E* for 100 shares.

These orders are matched by the Matching System and each trade is reported first to the appropriate SIP and then to the parties of each side of the trade as follows:

Buy order	Sell order	Number of shares	Trade price
F	C	2,100	10.02
E	C	5,000	10.02
D	C	17,900	10.02
D	E	100	10.02
D	B	3,000	10.02

Thus, the SNAP CHX book after execution at the SNAP Price would be as follows:

[94] Note that while the minimum execution size condition of 25,000 shares was met, Buy Order D received an execution size less than the minimum. This may result if there are orders on the SNAP CHX book, on the same side of the market as a Start SNAP order, that have more aggressive Working Prices.

SNAP CHX BOOK AND AWAY PROTECTED QUOTES—EXAMPLE 9

Buy orders				Price point	Sell orders			
Total *away* buy size *at* price point	Total *CHX* buy size *at* price point	Total buy size *better* than price point	Total buy size *at and better* than price point		Total sell size *at and better* than price point	Total sell size *better* than price point	Total *CHX* sell size *at* price point	Total *away* sell size *at* price point
0	0	0	0	10.05	200	200	0	0
0	0	0	0	10.04	200	200	0	0
0	0	0	0	10.03	200	0	200 (A)	0
0	4,000 (D)	0	4,000	10.02	0	0	0	0
0	0	4,000	4,000	10.01	0	0	0	0
0	0	4,000	4,000	10.005	0	0	0	0
0	5,000 (A)	4,000	9,000	10.00	0	0	0	0
0	0	9,000	9,000	9.99	0	0	0	0

The only remaining orders are the unexecuted balance of Buy Order D, Buy Order A and Sell Order A.

Example 10: Transition to Open Trading State. Assume the same as Example 9. Assume also that after executing the orders within the Matching System at the SNAP Price, the Matching System takes another market snapshot of security XYZ, pursuant to proposed Article 18, Rule 1(b)(4)(B), which shows that the NBBO for security XYZ is now $10.02 x. $10.03. Assume also that the Protected Quotations of away markets in security XYZ is as follows:

- *Protected Bid B* on Exchange 4 displaying 100 shares at $10.02.
- *Protected Offer C* on Exchange 5 displaying 100 shares at $10.03.

Under this Example 10, the Matching System will utilize the above market snapshot in security XYZ to transition the remaining unexecuted resting orders on the SNAP CHX book to the CHX book, pursuant to proposed Article 18, Rule 1(b)(5)(A), as follows:

- *Buy Order A* would post to the CHX book at $10.00, with the 1,000 displayed shares ranked, pursuant to proposed Article 20, Rule 8(b)(1)(A), and the 4,000 undisplayed reserved shares ranked, pursuant to proposed Article 20, Rule 8(b)(1)(B).
- *Sell Order A* would post to the CHX book at $10.03 and ranked, pursuant to proposed Article 20, Rule 8(b)(1)(A).
- *Buy Order D* would be cancelled as limit orders marked Start SNAP are never eligible for the Open Trading State.

The Matching System will then process the FIFO Queue, pursuant to proposed Article 18, Rule 1(b)(5)(B), as follows:

- *Cancel Buy Order B* message would have no effect because Buy Order B was fully executed during the stage three Satisfaction Period.[95]
- *Cross Order A* would be cancelled because execution at the crossing price of $10.01 would result in an impermissible trade-through of Protected Bid B at $10.02, in violation of Rule 611 of Regulation NMS.
- *Buy Order G* would execute against 100 shares of Sell Order A at $10.03, leaving Sell Order A with 100 shares at $10.03.
- *Sell Order F* would be cancelled pursuant to its Post Only designation because it would impermissible lock the NBO at $10.02 and it is not routable.
- *Buy Order H* would be placed in the SNAP AOO Queue, since it was received after the SNAP Order Acceptance Period and is, thus, eligible for the next SNAP Cycle that is initiated.
- *Buy Order I* would execute against the remaining 100 shares of Sell Order A at $10.03.

Thus, the only remaining order on the CHX book is Buy Order A for 5,000 shares (*i.e.,* 1,000 displayed and 4,000 undisplayed) at $10.00.

Immediately after the FIFO Queue has been processed, pursuant to proposed Article 18, Rule 1(b)(5)(C), the Exchange will notify the market that the SNAP has concluded; publish its Protected Bid at $10.00 for 1,000 shares; and begin dissemination of information through the CHX Book Feed, including information regarding the displayable portions of all orders posted to the CHX book (*i.e.,* 1,000 displayed shares of Buy Order A).

SECTION SEVEN: Market Maker Requirements

The Exchange does not propose to include any market making requirements with regards to SNAP. Pursuant to current Article 16, Rule 8, Participant Market Makers in a security are required to maintain two-sided quotes in the security and to meet certain pricing obligations concerning such quotes, during the regular trading session. As such, the current requirements would only be applicable during the Open Trading State, which is the only time during the regular trading session when quotes would be displayed and automatically executable. Thus, the current requirements are inapplicable to SNAP Cycles because quotes are never displayed and never automatically executable during a SNAP Cycle. Moreover, in light of the substantial size and aggressive pricing requirements to initiate a SNAP Cycle, the Exchange does not believe it appropriate, at this time, to propose additional requirements for Participant Market Makers with regards to SNAP.

Thus, the Exchange proposes to amend Article 16, Rule 8(a) to provide that the current two-sided quote and pricing obligations for Participant Market Makers only apply during the Open Trading State. Incidentally, the Exchange proposes to amend an obsolete reference to ''member'' with the more accurate ''Participant,'' under paragraph (a)(1).

SECTION EIGHT: Operative Date

In the event the proposed rule change is approved by the SEC, the Exchange proposes to make the proposed rule change operative pursuant to two weeks' notice by the Exchange to its Participants via Regulatory Notice. Prior to the operative date, the Exchange will ensure that policies and procedures are in place to allow Exchange operations personnel to effectively monitor the use of the SNAP functionality. The Exchange will also ensure that any special notices required pursuant to the proposed rule change will be made to Participants, including notices regarding securities that will not be eligible for SNAP.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with

[95] *See supra* Example 7.

Section 6(b) of the Act in general,[96] and furthers the objectives of section 6(b)(5) in particular,[97] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments and perfect the mechanisms of a free and open market, and, in general, to protect investors and the public interest.

The Exchange believes that SNAP will further the objectives of section 6(b)(5) of the Act precisely because it will address a market need, as noted by Chair White, for a trading service that deemphasizes speed as a key to trading success in order to further serve the interests of investors,[98] which will operate in compliance with Regulation NMS and Rule 201 of Regulation SHO or applicable exemptive relief.[99]

In recent years, market participants seeking to trade securities in bulk have largely avoided exchanges due to a lack of trading services that sufficiently minimize the downside of exposing large orders to the market, which may include unfavorable market activity in response to the posting of a large displayed order and insufficient displayed liquidity, both of which result in inadequate price discovery for bulk orders. It is a vicious cycle: Market participants seeking to execute bulk orders in whole at marketable or even hypermarketable prices are frequently unable to find sufficient liquidity on exchanges, whereas market participants wishing to provide bulk liquidity to the market are unwilling to display such orders on an exchange due to the inevitable and unfavorable market activity to follow.

The Exchange believes that the key to bulk trading success on an exchange is a functionality that momentarily consolidates trading interest in a security in one place, while automated trading in the security continues elsewhere in the national market system, and to permit such orders to interact on a fully-hidden book based on a set of carefully-designed rules that minimize the downside of exposing large orders to the market. The Exchange submits that SNAP is precisely such a functionality because it would enhance market liquidity and the price discovery process, while minimizing information leakage and speed advantages.

The Exchange believes that incentivizing market participants to initiate and respond to SNAPs would remove impediments and perfect the mechanisms of a free and open market because it would enhance market liquidity. In order to incentivize market participants to initiate SNAP Cycles, upon initiation of a SNAP Cycle, the Exchange will notify the market that a SNAP Cycle has been initiated, which gives the Start SNAP order sender the benefit of notifying the market of its bulk trading interest, without giving away crucial details, such as exact price, size or side of the Start SNAP order, that could disadvantage the Start SNAP order sender.[100] In turn, market participants will be incentivized to respond to SNAP Cycles knowing that a SNAP Cycle will only be initiated by a valid marketable or hypermarketable Start SNAP order that meets a substantial minimum size requirement.[101] Also, market participants will also know that SNAP AOOs that could participate in a SNAP Cycle will also be ranked on the SNAP CHX book, all of which must meet a substantial minimum size requirement, thereby potentially increasing the size of interest on the SNAP CHX book.[102] Moreover, SNAP will further incentivize market participants to participate in SNAP Cycles by prohibiting order cancellations during a SNAP Cycle, which will assure potential order senders that the Start SNAP order that initiated the SNAP Cycle, as well as any other orders participating in the instant SNAP Cycle, will not be cancelled, and has the additional effect of encouraging order senders to submit *bona fide* SNAP Eligible Orders.[103] In light of all of these characteristics, the market will be on notice that aggressively priced interest of a substantial size is guaranteed to exist at CHX.

Similarly, the Exchange believes that incentivizing market participants to initiate and respond to SNAPs would remove impediments and perfect the mechanisms of a free and open market because it would enhance the price discovery process. That is, SNAP would enhance the price discovery process through enhanced market liquidity. Specifically, the concentration of liquidity at CHX combined with the aggressive pricing requirement of the Start SNAP order will maximize the probability of overlap of orders at one or more price points. If overlap exists, a SNAP Price will be determined pursuant to a ruled-based algorithm that balances maximum execution size with an execution price that accurately reflects market demand.[104] As such, SNAP Eligible Order senders can submit aggressively priced orders knowing that the SNAP Price will be equitable, which enhances the price discovery process.

The Exchange further believes that certain aspects of SNAP designed to minimize information leakage concerning orders participating in a SNAP Cycle would promote just and equitable principles of trade and remove impediments and perfect the mechanisms of a free and open market because such measures would minimize the probability of unfavorable market activity in response to a SNAP that could disadvantage orders participating in a SNAP Cycle and, in particular, the Start SNAP order. Specifically, this would be achieved by requiring the SNAP CHX book to be fully-hidden and market data dissemination to be suspended during the SNAP Cycle (except for SNAP execution reports to the relevant SIP and order senders).[105] Also, since orders are only executed within the Matching System during the stage four Order Matching Period, market participants will be prevented from ''pinging'' the SNAP CHX book in an attempt to glean the contents of the book.[106] Moreover, a Start SNAP order sender has the option to place a minimum SNAP execution size condition equal to the minimum size requirement to initiate a SNAP Cycle, which prevents the market from being able to deduce crucial information concerning the Start SNAP order without maximizing the probability of substantial executions.[107]

The Exchange also believes that the fact that SNAP would never be scheduled and that the length of the SNAP Order Acceptance Period would be randomized would promote just and equitable principles of trade and remove impediments and perfect the mechanisms of a free and open market because such aspects deemphasize speed as a key for trading success. For example, by randomizing key aspects of the SNAP Cycle, market participants will not be able to utilize speed advantages to ascertain precisely when a SNAP Cycle will be initiated and when certain events during a SNAP Cycle will begin or end. That is, since SNAP Cycles are never scheduled, market participants, other than the Start

[96] 15 U.S.C. 78f(b).

[97] 15 U.S.C. 78f(b)(5).

[98] *See supra* note 7.

[99] *See supra* note 10

[100] *See* proposed CHX Article 18, Rule 1(b)(1)(A).

[101] *See* proposed CHX Article 1, Rule 2(h)(1)(A).

[102] *See* proposed CHX Article 1, Rule 2(h)(3).

[103] *See* proposed CHX Article 18, Rule 1(b)(2)(C)(i).

[104] *See* proposed CHX Article 1, Rule 1(rr); *see also supra* Section 6, Example 6.

[105] *See* proposed CHX Article 18, Rule 1(a) and (b)(1).

[106] *See* proposed CHX Article 18, Rule 1(b)(4).

[107] *See* proposed CHX Article 1, Rule 2(h)(1)(B).

SNAP order sender, will never know precisely when a SNAP Cycle will be initiated.[108] Similarly, since the stage two SNAP Order Acceptance Period is randomized, within a time frame of 475 to 525 milliseconds, market participants will never be able to know exactly when the SNAP Order Acceptance Period will end.[109] At the same time, the Exchange believes that 475 to 525 milliseconds is sufficient time for virtually all order senders to submit SNAP Eligible Orders in response to a SNAP Cycle notification.

The Exchange further believes that the special order ranking plan and new order modifiers for SNAP promote just and equitable principles of trade and remove impediments and perfect the mechanisms of a free and open market because such aspects also deemphasize speed as a key for trading success. Specifically, SNAP Eligible Orders received in response to a SNAP Cycle notification will be subordinated in rank on the SNAP CHX book to all precedent SNAP Eligible Orders.[110] Thus, market participants submitting orders in response to a notice of a SNAP Cycle will never be able to utilize speed advantages to achieve priority over precedent resting SNAP Eligible Orders. Moreover, SNAP AOOs further minimize speed advantages by permitting order senders to submit SNAP AOOs from as early as the beginning of the early session,[111] well before a SNAP Cycle could be initiated.[112] Thus, an order sender could submit a SNAP AOO before a SNAP Cycle is initiated knowing that that order will never lose priority to orders received during a subsequent SNAP Order Acceptance Period. Similarly, SNAP AOO—Pegged further minimize speed advantages by obviating the need to directly consume and process market data at the crucial moment when the order is submitted because such orders will be priced at the last possible moment, after the end of the SNAP Order Acceptance Period, by the Exchange's systems, which will utilize the most recent market data.[113]

In adopting Regulation NMS, the SEC highlighted the importance of maintaining an appropriate balance between competition among markets and competition among orders.[114] Specifically, the SEC stated, ''vigorous competition among markets promotes more efficient and innovative trading services, while integrated competition among orders promotes more efficient pricing of individual stocks for all types of orders, large and small.'' [115] The SEC noted, however, the difficulty in striking that balance in that ''competition among multiple markets trading the same stock can detract from the most vigorous competition among orders in an individual stock, thereby impeding efficient price discovery for orders of all sizes.'' [116] The Exchange believes that SNAP is consistent with these concepts because it is an innovative functionality that promotes competition among markets by enhancing the price discovery process for orders of all sizes, thereby also promoting competition among orders. As such, the Exchange believes that SNAP would further the objectives of section 6(b)(5) the Act precisely because it would operate consistently with Regulation NMS [117] and Rule 201 of Regulation SHO or applicable exemptive relief.[118]

Specifically, SNAP will be compliant with the Order Protection Rule of Rule 611 of Regulation NMS.[119] SNAP executions during the stage four Order Matching Period will only occur after the routing of one or more ISOs to execute against the Protected Quotations of external markets priced better than the SNAP Price.[120] In addition, where there are additional orders resting on the SNAP CHX book at the SNAP Price that could not be executed within the Matching System during the stage four Order Matching Period, but could be executed against Protected Quotations of external markets at the SNAP Price, the Exchange will route those orders to execute against such Protected Quotations, even though such routing is not required by Rule 611 of Regulation NMS.[121] Thus, SNAP routing is compliant with Rule 611 of Regulation NMS because executions at the SNAP Price will never impermissibly trade-through better priced Protected Quotations of external markets.

With respect to the proposed queuing of cross orders on the FIFO Queue received during a SNAP Cycle for later processing during the stage five Transition to the Open Trading State,[122] the Exchange believes that the queuing of cross orders marked Qualified Contingent Transaction (''QCT'') during a SNAP Cycle will have no material impact on its ability to meet all of the requirements for the QCT exemption.[123]

The SEC defines ''QCT'' as a transaction consisting of two or more component orders, executed as agent or principal, where:

(1) At least one component order is in an NMS stock;

(2) all components are effected with a product or price contingency that either has been agreed to by the respective counterparties or arranged for by a broker-dealer as principal or agent;

(3) the execution of one component is contingent upon the execution of all other components at or near the same time;

(4) the specific relationship between the component orders (*e.g.,* the spread between the prices of the component orders) is determined at the time the contingent order is placed;

(5) the component orders bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or since cancelled; and

(6) the Exempted NMS Stock Transaction is fully hedged (without regard to any prior existing position) as a result of the other components of the contingent trade.[124]

The proposed queuing of QCTs on the FIFO Queue only implicates the QCT timing requirement because the proposed queuing would only impact the timing of the QCT execution. However, the Exchange believes that the momentary delay resulting from the proposed queuing would be immaterial because of the fact that the execution of the different components that comprise QCTs usually take many seconds, if not minutes, to accomplish. This is because the packaging of QCTs is inherently a manual process that frequently involves numerous broker-dealers representing several counter-parties with two or more component orders to be executed on two

[108] *See* proposed CHX Article 18, Rule 1(a).

[109] *See* proposed CHX Article 18, Rule 1(b)(2).

[110] *See* proposed CHX Article 20, Rule 8(b)(3).

[111] *See supra* note 29.

[112] *See* proposed CHX Article 1, Rule 2(h)(3).

[113] *See* proposed CHX Article 1, Rule 2(h)(3)(C).

[114] *See* Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (''NMS Release'').

[115] *Id.*

[116] *Id.*

[117] 17 CFR 242.611.

[118] *See supra* note 10; 17 CFR 242.201.

[119] Since the Exchange will remove its Protected Quotations in the subject security, if any, upon the initiation of a SNAP Cycle and will not disseminate Protected Quotations in the subject security until the end of the SNAP Cycle, SNAP does not implicate any Rule 610 of Regulation NMS issues.

[120] *See* proposed CHX Article 19, Rule 3(a)(4).

[121] *See* proposed CHX Article 19, Rule 3(a)(5).

[122] *See* proposed CHX Article 18, Rule 1(b)(2)(C)(iv).

[123] *See* Securities Exchange Act Release No. 54389 (August 31, 2006), 71 FR 52829 (September 7, 2006) (''Order Granting an Exemption for Qualified Contingent Trades From Rule 611(a) of Regulation NMS Under the Securities Exchange Act of 1934''); *see also* Securities Exchange Act Release No. 57620 (April 4, 2008), 73 FR 19271 (April 4, 2008) [sic] (''Order Modifying the Exemption for Qualified Contingent Trades From Rule 611(a) of Regulation NMS Under the Securities Exchange Act of 1934''); *see also* Article 1, Rule 2(b)(2)(E).

[124] *See id.*

or more venues. In fact, this reality is recognized by the QCT exemption itself through the timing requirement of ''at or *near* the same time,'' which does not note a specific time requirement.[125]

SNAP is also consistent with Rule 201 of Regulation SHO or applicable exemptive relief.[126] Specifically, SNAP Eligible Orders marked Sell Short in a covered security subject to the short sale price test restriction will never be permitted to execute at prices at or below the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E). For SNAP Eligible Orders marked Sell Short with a limit price at one minimum price increment above the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E) or higher, such orders would simply be ranked on the SNAP CHX book at its limit price. However, for SNAP Eligible Orders marked Sell Short with a limit price at or below the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E), the Matching System would reprice such orders to one minimum price increment above that NBB and rank such orders on the SNAP CHX book at the new higher price.[127] Thus, if the SNAP Price is ultimately determined to be at or below the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E), during a short sale price test restriction, this ranking methodology would ensure that SNAP Eligible Orders marked Sell Short would not participate in the SNAP execution, as such orders would never have an executable price lower than one minimum price increment above the NBB ascertained from the market snapshot taken pursuant to proposed Article 18, Rule 1(b)(2)(E).[128]

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. To the contrary, the Exchange believes that any burden on competition is necessary and appropriate in furtherance of the purposes of section 6(b)(5) of the Act because SNAP is an initiative that seeks to deemphasize speed as a key to trading success in order to further serve the interests of investors, as recently noted by Chair White, and thereby removes impediments and perfects the mechanisms of a free and open market.[129]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve or disapprove the 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 Amendment No. 1, including whether the proposed rule change as modified by Amendment No. 1, 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–CHX–2015–03 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–CHX–2015–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CHX–2015–03, and should be submitted on or before September 24, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[130]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–22607 Filed 9–8–15; 8:45 am]

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[125] *See id* (emphasis added).

[126] *See supra* note 10.

[127] *See* proposed CHX Article 20, Rule 8(d)(4)(B)(i).

[128] *See* proposed CHX Article 18, Rule 1(b)(4)(A).

[129] *See supra* note 7; *see also supra* Statutory Basis.

[130] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75815; File No. SR–NASDAQ–2015–103]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Nasdaq Rule 5745

September 2, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 31, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, and II below, which Items have been prepared by Nasdaq. 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)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

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 the Substance of the Proposed Rule Change

The Exchange proposes to amend Nasdaq Rule 5745 entitled ''Exchange-Traded Managed Fund Shares'' in connection with a type of open-end management investment company registered under the Investment Company Act of 1940, as amended (''1940 Act''), called an Exchange-Traded Managed Fund (''ETMF''). The shares of an ETMF are collectively referred to herein as ''ETMF Shares'' or ''Shares.''

The Exchange has designated that the amendments be operative on October 1, 2015 so that they are in place by the expected launch of the initial ETMFs on that date.

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/*, at Nasdaq's 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, 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 Nasdaq Rule 5745 in connection with the trading of ETMF Shares.[5] Specifically, the Exchange proposes to add to Nasdaq Rule 5745 subsections (b)(6), (b)(6)(A) and (b)(6)(B) to clarify that all order attributes (''Order Attributes''), as described in Nasdaq Rule 4703, are applicable to ETMF Shares other than for certain exceptions. The first exception is that any order[6] with respect to ETMF Shares received with a routing instruction (as defined in Nasdaq Rule 4758) prior to the opening trading in the applicable ETMF security will be automatically canceled and returned. Since ETMFs are not permitted to trade prior to 9:30 a.m. (Eastern Time), the Exchange believes that allowing routing to occur only during Regular Market Session[7] through 4:00 p.m. (Eastern Time) is the best way to eliminate any possible confusion regarding system availability for trading ETMFs.

The other exception is that certain Time-in-Force Order Attributes, as defined in Nasdaq Rule 4703, are not applicable to orders in ETMF securities. These include orders designated to deactivate one year after entry and referred to as a ''Good-till-Cancelled'' or ''GTC'' Orders.[8] If a GTC Order is designated as eligible for execution during Market Hours only, it may be referred to as having a Time-in-Force of ''Market Hours Good-till-Cancelled'' or ''MGTC''.[9] If a GTC is designated as eligible for execution during System Hours, it may be referred to as having a Time-in-Force of ''System Hours Good-till-Cancelled'' or ''SGTC''.[10] GTC, MGTC and SGTC Order Attributes should not be used with ETMF Share orders for the following reasons.

ETMF Shares will trade on Nasdaq using a new trading protocol called ''NAV-Based Trading.'' In NAV-Based Trading, all bids, offers and execution prices will be expressed as a premium/discount (which may be zero) to the ETMF's next-determined NAV (*e.g.,* NAV − $0.01; NAV+$0.01). An ETMF's next-determined NAV will be represented at the beginning of each trading day by a proxy price of 100.00. An ETMF's NAV will be determined each business day, normally no later than 6:45 p.m. Eastern Time. At this time, the day's premiums/discounts associated with the day's transactions will be applied to the day's NAV to create the final transaction price. Trade executions using NAV-Based Trading will be binding at the time orders are matched on Nasdaq's facilities, with the transaction prices contingent upon the determination of the ETMF's NAV at the end of the business day.

As such, GTC, MGTC and SGTC Order Attributes that allow an order to be activated or deactivated in a manner that is inconsistent with a standard trading day create a possibility for error and confusion. The daily price function and format of order entry, in premium or discount to the NAV, which is characteristic of NAV-Based Trading, represent the value a participant is willing to purchase or sell an ETMF. Since a GTC, MGTC or SGTC Order Attribute allows for an order to deactivate after the day it was entered, the price at which it is entered in premium or discount would not represent the same value for an order on a subsequent day where the value of NAV may have changed significantly from the time it was entered.

Instead of modifying and limiting each applicable Order Attribute that allows for orders to be either activated or deactivated during a time when ETMF's are not permitted to trade, the Exchange believe it is in the best interests of Exchange members to allow the use of only those Order Attributes that pertain to orders that expire during a standard trading day. The Exchange believes that this approach both simplifies and clarifies the treatment of Order Attributes.

Additionally, since trading in ETMF Shares will occur only during the regular trading hours of between 9:30 a.m. and 4 p.m. (Eastern Time),[11] any orders for ETMF Shares submitted to the Exchange prior to market open will not be accepted. Also, orders received after market close will be rejected. All orders to buy or sell ETMF Share that are not executed on the day the order is submitted would be automatically cancelled as of the close of trading on such day.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act[12] in general and Section 6(b)(5) of the Act[13] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange is proposing to clarify Nasdaq Rule 5745 by adding subsections (b)(6), (b)(6)(A) and (b)(6)(B) to clarify that all Order Attributes (as described in Nasdaq Rule 4703) are applicable to ETMF Shares other than

[4] 17 CFR 240.19b–4(f)(6).

[5] The Commission approved Nasdaq Rule 5745 in Securities Exchange Act Release No. 34–73562 (Nov. 7, 2014), 79 FR 68309 (Nov. 14, 2014) (SR–NASDAQ–2014–020).

[6] *See* Nasdaq Rule 4701(e).

[7] Nasdaq Rule 4120(b)(4)(D) defines the Regular Market Session as the trading session from 9:30 a.m. to 4:00 p.m. or 4:15 p.m. ETMF Shares will trade until 4:00 p.m.

[8] *See* Nasdaq Rule 4703(a)(3).

[9] *Id.*

[10] *Id.*

[11] *See* Nasdaq Rule 5745(b)(2).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

for certain exceptions, including that any order [14] received with a routing instruction (as defined in Nasdaq Rule 4758) prior to the opening of trading in the ETMF security will be automatically canceled and returned. Also, the proposed rule seeks to clarify that certain Time-in-Force Order Attributes (as defined in Nasdaq Rule 4703) are not applicable for ETMF securities and include the following orders: GTC, MGTC, and SGTC Orders.[15]

The Exchange believes that, because this proposed rule change clarifies for all market participants exactly what types of Order Attributes are permissible for ETMF Shares and thereby reduces possible confusion in the trading of ETMF Shares, it will facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, help to protect investors and the public interest. The proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.[16]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will assist in the introduction of ETMFs through clarifying for all market participants exactly what types of Order Attributes are permissible for ETMF Shares and will reduce possible confusion in the trading of ETMF Shares.

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) of the Act and Rule 19b–4(f)(6) thereunder.[17]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [18] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[19] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of 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–2015–103 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 20549–1001.

All submissions should refer to File Number SR–NASDAQ–2015–103. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Nasdaq. 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–2015–103, and should be submitted on or before September 30, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

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[14] *See* Nasdaq Rule 4701(e).

[15] *See* Nasdaq Rule 4703(a)(3).

[16] 15 U.S.C. 78f(b)(5).

[17] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75817; File No. SR–NASDAQ–2015–075]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Relating to the Listing and Trading of Shares of the First Trust SSI Strategic Convertible Securities ETF of First Trust Exchange-Traded Fund IV

September 2, 2015.

On July 2, 2015, the NASDAQ Stock Market LLC filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade the shares of the First Trust SSI Strategic Convertible Securities ETF of First Trust Exchange-

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Traded Fund IV under Nasdaq Rule 5735 (''Managed Fund Shares''). The proposed rule change was published for comment in the **Federal Register** on July 20, 2015.[3] The Commission received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates October 16, 2015, as the date by which the Commission should either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–NASDAQ–2015–075).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–22608 Filed 9–8–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–123, OMB Control No. 3235–0105]

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: Form T–3.

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 (''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 for approval.

Form T–3 (17 CFR 269.3) is an application for qualification of an indenture under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*). The information provided under Form T–3 is used by the Commission to determine whether to qualify an indenture relating to an offering of debt securities that is not required to be registered under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Form T–3 takes approximately 43 hours per response to prepare and is filed by 36 respondents. We estimate that 25% of the 43 burden hours (11 hours per response) is prepared by the filer for a total reporting burden of 396 hours (11 hours per response × 36 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by 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, 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: September 2, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–22600 Filed 9–8–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

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:

Form T–4, SEC File No. 270–124, OMB Control No. 3235–0107.

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 (''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 for approval.

Form T–4 (17 CFR 269.4) is a form used by an issuer to apply for an exemption under Section 304(c) (15 U.S.C. 77ddd (c)) of the Trust Indenture Act of 1939 (77 U.S.C. 77aaa *et seq.*). Form T–4 takes approximately 5 hours per response to prepare and is filed by approximately 3 respondents. We estimate that 25% of the 5 burden hours (1 hour per response) is prepared by the filer for a total reporting burden of 3 hours (1 hour per response x 3 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by 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, 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: September 2, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–22601 Filed 9–8–15; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* Securities Exchange Act Release No. 75447 (July 14, 2015), 80 FR 42847.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Advanced Lighting Solutions, Inc.; Order of Suspension of Trading

September 4, 2015.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Advanced Lighting Solutions, Inc. because of questions regarding the accuracy and completeness of assertions by the company in materials posted on the Web site operated by OTC Markets Group, Inc. and in press releases. This includes questions about the accuracy of a May 14, 2015 Form ATS and a May 26, 2015 press release with respect to the company's business plans and activities. Advanced Lighting Solutions, Inc. is a Wyoming corporation with its principal place of business located in Conroe, Texas. Its stock is quoted on OTC Link, operated by OTC Markets Group Inc., under the ticker: AVLS.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on September 4, 2015, through 11:59 p.m. EDT on September 18, 2015.

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2015–22780 Filed 9–4–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31802; File No. 812–14456]

Brookfield Global Listed Infrastructure Income Fund Inc., et al.; Notice of Application

September 1, 2015.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 19(b) of the Act and rule 19b–1 under the Act.

Applicants: Brookfield Global Listed Infrastructure Income Fund Inc. (''INF''), Brookfield High Income Fund Inc. (''HHY''), Brookfield Mortgage Opportunity Income Fund Inc. (''BOI''), Brookfield Total Return Fund Inc. (''HTR,'' together with INF, HHY, and BOI, the ''Funds''), and Brookfield Investment Management Inc. (''BIM'').

SUMMARY: Applicants request an order to permit certain registered closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common shares as frequently as monthly in any one taxable year, and as frequently as distributions are specified by or in accordance with the terms of any outstanding preferred shares that such investment companies may issue.

DATES: *Filing Dates:* The application was filed on June 6, 2015 and amended on August 13, 2015.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 28, 2015 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, Brookfield Place, 250 Vesey Street, New York, NY 10281–1023.

FOR FURTHER INFORMATION CONTACT: Jaea F. Hahn, Senior Counsel, at (202) 551–6870, or Mary Kay Frech, 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.

Applicants' Representations

1. INF, HHY, BOI and HRT are Maryland corporations registered as closed-end management investment companies.[1] INF's investment objective is to provide a high total return, with an emphasis on income, which it seeks to achieve by investing in publicly traded equity securities of infrastructure companies listed on a domestic or foreign exchange. HHY's primary investment objective is to seek high current income by investing in high yield bonds, debentures, notes, corporate loans, convertible debentures and other debt instruments. BOI's primary investment objective is to seek high total investment return by investing primarily in mortgage-related debt securities and other mortgage-related instruments. HTR's primary investment objective is to provide a high total return, including short and long-term capital gains and a high level of current income by investing primarily in U.S. Treasury, mortgage-backed, asset-backed and high-yield corporate securities. The common shares of each of the Funds are listed and traded on the New York Stock Exchange. Although none of the Funds currently intend to issue preferred shares, the board of directors (''Board'') of each Fund may authorize the issuance of preferred shares in the future.

2. BIM, a Delaware corporation, is registered under the Investment Advisers Act of 1940 (the ''Advisers Act'') as an investment adviser. BIM serves as investment adviser to INF, HHY, BOI and HTR. Each Adviser to a Fund will be registered under the Advisers Act.

3. Applicants believe that investors in closed-end funds may prefer an investment vehicle that provides regular current income through fixed distribution policies that would be available through a distribution policy (''Distribution Policy''). Applicants state that prior to a Fund's implementing a Distribution Policy in reliance on the order, the Board of each Fund, including a majority of the directors who are not ''interested persons'' of the Fund, as defined in section 2(a)(19) of

[1] All existing registered closed-end investment companies that currently intend to rely on the order have been named as applicants. Applicants request that the order also apply to each other registered closed-end investment company advised or to be advised in the future by BIM or by an entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with BIM (including any successor in interest) (each such entity, including BIM, the ''Adviser'') that in the future seeks to rely on the order (such investment companies, together with INF, HHY, BOI and HTR, are collectively, the ''Funds'' and individually, a ''Fund''). Any Fund that may rely on the order in the future will comply with the terms and conditions of the application. A successor in interest is limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

the Act (the ''Independent Directors''), will request, and the Adviser will provide, such information as is reasonably necessary to make an informed determination of whether the Board should adopt a proposed Distribution Policy. In particular, the Board and the Independent Directors will review information regarding the purpose and terms of the Distribution Policy; the likely effects of the policy on the Fund's long-term total return (in relation to market price and its net asset value per common share (''NAV'')); the expected relationship between the Fund's distribution rate on its common shares under the policy and the Fund's total return (in relation to NAV); whether the rate of distribution is anticipated to exceed such Fund's expected total return in relation to its NAV; and any foreseeable material effects of the policy on the Fund's long-term total return (in relation to market price and NAV). The Independent Directors will also consider what conflicts of interest the Adviser and the affiliated persons of the Adviser and the Fund might have with respect to the adoption or implementation of the Distribution Policy. Applicants state that, only after considering such information will the Board, including the Independent Directors, of each Fund approve a Distribution Policy and in connection with such approval will determine that the Distribution Policy is consistent with a Fund's investment objective(s) and in the best interests of the Fund's common shareholders.

4. Applicants state that the purpose of a Distribution Policy, generally, would be to permit a Fund to distribute over the course of each year, through periodic distributions in relatively equal amounts (plus any required special distributions) that are comprised of payments received from portfolio holdings, supplemental amounts generally representing capital gains or, possibly, returns of capital that may represent unrealized capital gains. The Fund seeks to establish a distribution rate that approximates that Fund's projected total return that can reasonably be expected to be generated by the Fund over an extended period of time, although the distribution rate will not be solely dependent on the amount of income earned or capital gains realized by the Fund. Under the Distribution Policy of a Fund, such Fund would distribute to its respective common shareholders a fixed percentage of the market price of such Fund's common shares at a particular point in time or a fixed percentage of NAV at a particular time or a fixed amount per common share, any of which may be adjusted from time to time. It is anticipated that under a Distribution Policy, the minimum annual distribution rate with respect to a Fund's common shares would be independent of the Fund's performance during any particular period but would be expected to correlate with the Fund's performance over time. Except for extraordinary distributions and potential increases or decreases in the amount of the distributions in the final dividend period in light of a Fund's projected performance for the entire calendar year and to enable the Fund to comply with the distribution requirements of Subchapter M of the Internal Revenue Code (''Code'') for the calendar year, each distribution on the Fund's common shares would be at the stated rate then in effect.

5. Applicants state that prior to the implementation of a Distribution Policy for any Fund in reliance on the order, the Board of such Fund will have adopted policies and procedures under rule 38a–1 under the Act that: (i) Are reasonably designed to ensure that all notices required to be sent to the Fund's shareholders pursuant to section 19(a) of the Act, rule 19a–1 thereunder and condition 4 below (each a ''19(a) Notice'') include the disclosure required by rule 19a–1 under the Act and by condition 2(a) below, and that all other written communications by the Fund or its agents regarding distributions under the Distribution Policy include the disclosure required by condition 3(a) below; and (ii) require the Fund to keep records that demonstrate its compliance with all of the conditions of the order and that are necessary for such Fund to form the basis for, or demonstrate the calculation of, the amounts disclosed in its 19(a) Notices.

Applicants' Legal Analysis

1. Section 19(b) of the Act generally makes it unlawful for any registered investment company to make long-term capital gains distributions more than once every twelve months. Rule 19b–1 limits the number of capital gains dividends, as defined in section 852(b)(3)(C) of the Code (''distributions''), that a fund may make with respect to any one taxable year to one, plus a supplemental distribution made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year, plus one additional capital gain dividend made in whole or in part to avoid the excise tax under section 4982 of the Code.

2. Section 6(c) of the Act provides, in relevant part, that the Commission may exempt any person or transaction from any provision of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants state that one of the concerns leading to the enactment of section 19(b) and adoption of rule 19b–1 was that shareholders might be unable to distinguish between frequent distributions of capital gains and dividends from investment income. Applicants state, however, that rule 19a–1 effectively addresses this concern by requiring that distributions (or the confirmation of the reinvestment thereof) estimated to be sourced in part from capital gains or capital be accompanied by a separate statement showing the sources of the distribution (*e.g.*, estimated net income, net short-term capital gains, net long-term capital gains and/or return of capital). Applicants state that similar information is included in the Funds' annual reports to shareholders and on the Internal Revenue Service Form 1099 DIV, which is sent to each common and preferred shareholder who received distributions during a particular year.

4. Applicants further state that each Fund will make the additional disclosures required by the conditions set forth below, and each Fund will adopt compliance policies and procedures in accordance with rule 38a–1 under the Act to ensure that all required 19(a) Notices and disclosures are sent to shareholders. Applicants state that the information required by section 19(a), rule 19a–1, the Distribution Policy, the policies and procedures under rule 38a–1 noted above, and the conditions listed below will help ensure that each Fund's shareholders are provided sufficient information to understand that their periodic distributions are not tied to a Fund's net investment income (which for this purpose is the Fund's taxable income other than from capital gains) and realized capital gains to date, and may not represent yield or investment return. Accordingly, applicants assert that continuing to subject the Funds to section 19(b) and rule 19b–1 would afford shareholders no extra protection.

5. Applicants note that section 19(b) and rule 19b–1 also were intended to prevent certain improper sales practices, including, in particular, the practice of urging an investor to purchase shares of a fund on the basis of an upcoming capital gains dividend (''selling the dividend''), where the dividend would result in an immediate corresponding

reduction in NAV and would be in effect a taxable return of the investor's capital. Applicants submit that the ''selling the dividend'' concern should not apply to closed-end investment companies, such as the Funds.[2] According to applicants, if the underlying concern extends to secondary market purchases of shares of closed-end funds that are subject to a large upcoming capital gains dividend, adoption of a periodic distribution plan actually helps minimize the concern by avoiding, through periodic distributions, any buildup of large end-of-the-year distributions.

6. Applicants also note that the common stock of closed-end funds often trades in the marketplace at a discount to its NAV. Applicants believe that this discount may be reduced if the Funds are permitted to pay relatively frequent dividends on their common shares at a consistent rate, whether or not those dividends contain an element of long-term capital gains.

7. Applicants assert that the application of rule 19b–1 to a Distribution Policy actually could have an inappropriate influence on portfolio management decisions. Applicants state that, in the absence of an exemption from rule 19b–1, the adoption of a periodic distribution plan imposes pressure on management (i) not to realize any net long-term capital gains until the point in the year that the fund can pay all of its remaining distributions in accordance with rule 19b–1, and (ii) not to realize any long-term capital gains during any particular year in excess of the amount of the aggregate pay-out for the year (since as a practical matter excess gains must be distributed and accordingly would not be available to satisfy pay-out requirements in following years), notwithstanding that purely investment considerations might favor realization of long-term gains at different times or in different amounts. Applicants assert that by limiting the number of long-term capital gain dividends that a Fund may make with respect to any one year, rule 19b–1 may prevent the normal and efficient operation of a periodic distribution plan whenever that Fund's realized net long-term capital gains in any year exceed the total of the periodic distributions that may include such capital gains under the rule.

8. Applicants also assert that rule 19b–1 may force fixed regular periodic distributions under a periodic distribution plan to be funded with returns of capital [3] (to the extent net investment income and realized short-term capital gains are insufficient to fund the distribution), even though realized net long-term capital gains otherwise would be available. To distribute all of a Fund's long-term capital gains within the limits in rule 19b–1, a Fund may be required to make total distributions in excess of the annual amount called for by its periodic distribution plan, or to retain and pay taxes on the excess amount. Applicants assert that the requested order would minimize these anomalous effects of rule 19b–1 by enabling the Funds to realize long-term capital gains as often as investment considerations dictate without fear of violating rule 19b–1.

9. Applicants state that Revenue Ruling 89–81 under the Code requires that a fund that seeks to qualify as a regulated investment company under the Code and that has both common stock and preferred shares outstanding designate the types of income, *e.g.*, investment income and capital gains, in the same proportion as the total distributions distributed to each class for the tax year. To satisfy the proportionate designation requirements of Revenue Ruling 89–81, whenever a fund has realized a long-term capital gain with respect to a given tax year, the fund must designate the required proportionate share of such capital gain to be included in common and preferred share dividends. Applicants state that although rule 19b–1 allows a fund some flexibility with respect to the frequency of capital gains distributions, a fund might use all of the exceptions available under the rule for a tax year and still need to distribute additional capital gains allocated to the preferred shares to comply with Revenue Ruling 89–81.

10. Applicants assert that the potential abuses addressed by section 19(b) and rule 19b–1 do not arise with respect to preferred shares issued by a closed-end fund. Applicants assert that such distributions generally are either fixed or determined in periodic auctions by reference to short-term interest rates rather than by reference to performance of the issuer, and Revenue Ruling 89–81 determines the proportion of such distributions that are comprised of long-term capital gains.

11. Applicants also submit that the ''selling the dividend'' concern is not applicable to preferred shares, which entitles a holder to no more than a specified periodic dividend at a fixed rate or the rate determined by the market, and, like a debt security, is priced based upon its liquidation preference, dividend rate, credit quality, and frequency of payment. Applicants state that investors buy preferred shares for the purpose of receiving payments at the frequency bargained for, and any application of rule 19b–1 to preferred shares would be contrary to the expectation of investors.

12. Applicants request an order under section 6(c) of the Act granting an exemption from the provisions of section 19(b) of the Act and rule 19b–1 thereunder to permit each Fund to distribute periodic capital gain dividends (as defined in section 852(b)(3)(C) of the Code) as frequently as monthly in any one taxable year in respect of its common shares and as often as specified by, or determined in accordance with the terms of, any preferred shares issued by the Fund.

Applicants' Conditions

Applicants agree that, with respect to each Fund seeking to rely on the order, the order will be subject to the following conditions:

1. *Compliance Review and Reporting.* The Fund's chief compliance officer will: (a) Report to the Fund's Board, no less frequently than once every three months or at the next regularly scheduled quarterly Board meeting, whether (i) the Fund and its Adviser have complied with the conditions of the order, and (ii) a material compliance matter (as defined in rule 38a–1(e)(2) under the Act) has occurred with respect to such conditions; and (b) review the adequacy of the policies and procedures adopted by the Board no less frequently than annually.

2. *Disclosures to Fund Shareholders.*

(a) Each 19(a) Notice disseminated to the holders of the Fund's common shares, in addition to the information required by section19(a) and rule 19a–1:

(i) Will provide, in a tabular or graphical format:

(1) The amount of the distribution, on a per common share basis, together with the amounts of such distribution amount, on a per common share basis and as a percentage of such distribution amount, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized

[2] Applicants note that none Funds currently advised by BIM, including INF, HHY, BOI, or HTR, offer or intend to offer their shares by means of a shelf registration statement. However, to the extent that any Fund may do so in the future, shares will be offered in this manner only when they are trading at a premium to NAV, and not on the basis of an upcoming capital gains dividend, thus minimizing the likelihood of improper fund share sales practices. Any such offering of shares of a Fund will be made in compliance with condition 6 below.

[3] Returns of capital as used in the application means return of capital for financial accounting purposes and not for tax accounting purposes.

long-term capital gains; and (D) return of capital or other capital source;

(2) the fiscal year-to-date cumulative amount of distributions, on a per common share basis, together with the amounts of such cumulative amount, on a per common share basis and as a percentage of such cumulative amount of distributions, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(3) the average annual total return in relation to the change in NAV for the 5-year period (or, if the Fund's history of operations is less than five years, the time period commencing immediately following the Fund's first public offering) ending on the last day of the month ended immediately prior to the most recent distribution record date compared to the current fiscal period's annualized distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date; and (4) the cumulative total return in relation to the change in NAV from the last completed fiscal year to the last day of the month prior to the most recent distribution record date compared to the fiscal year-to-date cumulative distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date.

Such disclosure shall be made in a type size at least as large and as prominent as the estimate of the sources of the current distribution; and

(ii) Will include the following disclosure:

(1) ''You should not draw any conclusions about the Fund's investment performance from the amount of this distribution or from the terms of the Fund's Distribution Policy'';

(2) ''The Fund estimates that it has distributed more than its income and net realized capital gains; therefore, a portion of your distribution may be a return of capital. A return of capital may occur, for example, when some or all of the money that you invested in the Fund is paid back to you. A return of capital distribution does not necessarily reflect the Fund's investment performance and should not be confused with 'yield' or 'income' '';[4] and

(3) ''The amounts and sources of distributions reported in this 19(a) Notice are only estimates and are not being provided for tax reporting purposes. The actual amounts and sources of the amounts for tax reporting purposes will depend upon the Fund's investment experience during the remainder of its fiscal year and may be subject to changes based on tax regulations. The Fund will send you a Form 1099–DIV for the calendar year that will tell you how to report these distributions for federal income tax purposes.''

Such disclosure shall be made in a type size at least as large as and as prominent as any other information in the 19(a) Notice and placed on the same page in close proximity to the amount and the sources of the distribution.

(b) On the inside front cover of each report to shareholders under rule 30e–1 under the Act, the Fund will:

(i) Describe the terms of the Distribution Policy (including the fixed amount or fixed percentage of the distributions and the frequency of the distributions);

(ii) include the disclosure required by condition 2(a)(ii)(1) above;

(iii) state, if applicable, that the Distribution Policy provides that the Board of the Fund may amend or terminate the Distribution Policy at any time without prior notice to Fund shareholders; and

(iv) describe any reasonably foreseeable circumstances that might cause the Fund to terminate the Distribution Policy and any reasonably foreseeable consequences of such termination.

(c) Each report provided to shareholders of a Fund under rule 30e–1 under the Act and each prospectus filed with the Commission on Form N–2 under the Act, will provide the Fund's total return in relation to changes in NAV in the financial highlights table and in any discussion about the Fund's total return.

3. *Disclosure to Shareholders, Prospective Shareholders and Third Parties.*

(a) The Fund will include the information contained in the relevant 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, in any written communication (other than a communication on Form 1099) about the Distribution Policy or distributions under the Distribution Policy by the Fund, or agents that the Fund has authorized to make such communication on the Fund's behalf, to any Fund common shareholder, prospective common shareholder or third-party information provider;

(b) The Fund will issue, contemporaneously with the issuance of any 19(a) Notice, a press release containing the information in the 19(a) Notice and will file with the Commission the information contained in such 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, as an exhibit to its next filed Form N–CSR; and

(c) The Fund will post prominently a statement on its (or the Adviser's) Web site containing the information in each 19(a) Notice, including the disclosure required by condition 2(a)(ii) above, and will maintain such information on such Web site for at least 24 months.

4. *Delivery of 19(a) Notices to Beneficial Owners.* If a broker, dealer, bank or other person (''financial intermediary'') holds common shares issued by the Fund in nominee name, or otherwise, on behalf of a beneficial owner, the Fund: (a) Will request that the financial intermediary, or its agent, forward the 19(a) Notice to all beneficial owners of the Fund's shares held through such financial intermediary; (b) will provide, in a timely manner, to the financial intermediary, or its agent, enough copies of the 19(a) Notice assembled in the form and at the place that the financial intermediary, or its agent, reasonably requests to facilitate the financial intermediary's sending of the 19(a) Notice to each beneficial owner of the Fund's shares; and (c) upon the request of any financial intermediary, or its agent, that receives copies of the 19(a) Notice, will pay the financial intermediary, or its agent, the reasonable expenses of sending the 19(a) Notice to such beneficial owners.

5. *Additional Board Determinations for Funds Whose Common Shares Trades at a Premium.*

If:

(a) The Fund's common shares have traded on the stock exchange that they primarily trade on at the time in question at an average premium to NAV equal to or greater than 10%, as determined on the basis of the average of the discount or premium to NAV of the Fund's common shares as of the close of each trading day over a 12-week rolling period (each such 12-week rolling period ending on the last trading day of each week); and

(b) The Fund's annualized distribution rate for such 12-week rolling period, expressed as a percentage of NAV as of the ending date of such 12-week rolling period, is greater than the Fund's average annual total return in relation to the change in NAV over the 2-year period ending on the last day of such 12-week rolling period; then:

(i) At the earlier of the next regularly scheduled meeting or within four months of the last day of such 12-week

[4] The disclosure in condition 2(a)(ii)(2) will be included only if the current distribution or the fiscal year-to-date cumulative distributions are estimated to include a return of capital.

rolling period, the Board, including a majority of the Independent Directors:

(1) Will request and evaluate, and the Adviser will furnish, such information as may be reasonably necessary to make an informed determination of whether the Distribution Policy should be continued or continued after amendment;

(2) will determine whether continuation, or continuation after amendment, of the Distribution Policy is consistent with the Fund's investment objective(s) and policies and is in the best interests of the Fund and its shareholders, after considering the information in condition 5(b)(i)(1) above; including, without limitation:

(A) Whether the Distribution Policy is accomplishing its purpose(s);

(B) the reasonably foreseeable material effects of the Distribution Policy on the Fund's long-term total return in relation to the market price and NAV of the Fund's common shares; and

(C) the Fund's current distribution rate, as described in condition 5(b) above, compared with the Fund's average annual taxable income or total return over the two-year period, as described in condition 5(b), or such longer period as the Board deems appropriate; and

(3) based upon that determination, will approve or disapprove the continuation, or continuation after amendment, of the Distribution Policy; and

(ii) The Board will record the information considered by it, including its consideration of the factors listed in condition 5(b)(i)(2) above, and the basis for its approval or disapproval of the continuation, or continuation after amendment, of the Distribution Policy in its meeting minutes, which must be made and preserved for a period of not less than six years from the date of such meeting, the first two years in an easily accessible place.

6. *Public Offerings.* The Fund will not make a public offering of its common shares other than:

(a) A rights offering below NAV to holders of the Fund's common shares;

(b) an offering in connection with a dividend reinvestment plan, merger, consolidation, acquisition, spin-off or reorganization of the Fund; or

(c) an offering other than an offering described in conditions 6(a) and 6(b) above, provided that, with respect to such other offering:

(i) The Fund's annualized distribution rate for the six months ending on the last day of the month ended immediately prior to the most recent distribution record date,[5] expressed as a percentage of NAV as of such date, is no more than 1 percentage point greater than the Fund's average annual total return for the 5-year period ending on such date; [6] and

(ii) the transmittal letter accompanying any registration statement filed with the Commission in connection with such offering discloses that the Fund has received an order under section 19(b) to permit it to make periodic distributions of long-term capital gains with respect to its common shares as frequently as twelve times each year, and as frequently as distributions are specified by or determined in accordance with the terms of any outstanding preferred shares as such Fund may issue.

7. *Amendments to Rule 19b–1.*

The requested order will expire on the effective date of any amendment to rule 19b–1 that provides relief permitting certain closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common shares as frequently as twelve times each year.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–22602 Filed 9–8–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75811; File No. SR–NYSEArca–2015–01]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 1 to Proposed Rule Change To Amend NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 Relating to Listing of Investment Company Units Based on Municipal Bond Indexes

September 2, 2015.

On January 16, 2015, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 relating to the listing of Investment Company Units based on municipal bond indexes. The proposed rule change was published for comment in the **Federal Register** on February 4, 2015.[3] On March 19, 2015, pursuant to section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On May 4, 2015, the Commission published an order instituting proceedings under section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.[7] On July 30, 2015, the Commission issued a notice of designation of a longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule change.[8] The Commission has received no comment letters on the proposed rule change.

Pursuant to section 19(b)(1) [9] of the Act [10] and Rule 19b–4 thereunder,[11] notice is hereby given that, on August 28, 2015, the Exchange filed with the Commission Amendment No. 1 to the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange.[12] The

[5] If the Fund has been in operation fewer than six months, the measured period will begin immediately following the Fund's first public offering.

[6] If the Fund has been in operation fewer than five years, the measured period will begin immediately following the Fund's first public offering.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 74175 (Jan. 29, 2015), 80 FR 6150 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 74534, 80 FR 15834 (Mar. 25, 2015). The Commission designated a longer period within which to take action on the proposed rule change and designated May 5, 2015, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 74863 (May 4, 2015), 80 FR 26591 (May 8, 2015) (''Order Instituting Proceedings''). Specifically, the Commission instituted proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' *See id.*

[8] *See* Securities Exchange Act Release No. 75569, 80 FR 46627 (Aug. 5, 2015). The Commission designated a longer period within which to take action on the proposed rule change and designated October 2, 2015 as the date by which it should approve or disapprove the proposed rule change.

[9] 15 U.S.C. 78s(b)(1).

[10] 15 U.S.C. 78a.

[11] 17 CFR 240.19b–4.

[12] Amendment No. 1 replaces SR–NYSEArca–2015–01 as originally filed and supersedes such

Continued

Commission is publishing this notice to solicit comments from interested persons on the proposed rule change, as modified by Amendment No. 1.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 relating to listing of Investment Company Units based on municipal bond indexes. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its generic listing criteria applicable to Units to better apply to the listing of Units based on indexes that include municipal bonds because the features of such bonds differ from those of most other Fixed Income Securities.[19]

NYSE Arca Equities Rule 5.2(j)(3) permits the listing and trading, including trading pursuant to unlisted trading privileges (''UTP''), of Investment Company Units (''Units'').[13] NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 provides for listing on the Exchange pursuant to Rule 19b–4(e)[14] under the Act of a series of Units with an underlying index or portfolio of Fixed Income Securities[15] meeting specified criteria.[16] These ''generic'' listing criteria permit listing and trading on the Exchange of series of Units meeting such criteria without Commission approval of each individual product pursuant to Section 19(b)(2) of the Act.[17]

NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2) provides that, in order to be listed and traded pursuant to Rule 19b–4(e), components of an index or portfolio that in aggregate account for at least 75% of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of $100 million or more.[18]

filing in its entirety. In Amendment No. 1, the Exchange proposes to amend NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2) to add the following criteria for listing on the Exchange, pursuant to Rule 19b–4(e) under the Act, of a series of Investment Company Units based on an index or portfolio of only municipal bond components: (1) 75% of the weight of the index or portfolio shall be issued in an offering with an aggregate size, as set forth in the official statement of the offering, of $100 million or more; (2) the average dollar amount outstanding of components of the index or portfolio shall be at least $10 million; (3) each component of the index or portfolio shall have a minimum principal amount outstanding of at least $2 million; (4) the index or portfolio must include at least 1,000 components; and (5) the index or portfolio must include a minimum of 13 non-affiliated issuers. Additionally, in Amendment No. 1, the Exchange proposes to remove municipal securities from the exempted securities excluded from the criterion in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(5) that an underlying index or portfolio (excluding one consisting entirely of exempted securities) must include a minimum of 13 non-affiliated issuers. In Amendment No. 1, the Exchange also describes the bases for its proposed changes to the criteria in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02; explains that the proposed criteria in proposed Commentary .02(a)(2)(B)(ii)–(v) would facilitate the generic listing of funds based on municipal bond index components that are sufficiently broad-based and liquid to deter manipulation; and makes technical changes to the filing.

[13] An Investment Company Unit is a security that represents an interest in a registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities (or holds securities in another registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities). *See* NYSE Arca Equities Rule 5.2(j)(3)(A).

[14] 17 CFR 240.19b–4(e).

[15] Fixed Income Securities are described in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 as debt securities that are notes, bonds, debentures or evidence of indebtedness that include, but are not limited to, U.S. Department of Treasury securities, government-sponsored entity securities, municipal securities, trust preferred securities, supranational debt and debt of a foreign country or a subdivision thereof.

[16] The Commission approved NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 in Securities Exchange Act Release No. 55783 (May 17, 2007), 72 FR 29194 (May 24, 2007) (SR–NYSEArca–2007–36) (order approving generic listing standards for series of Units based on Fixed Income Indexes and Combination Indexes). The Commission also approved generic listing standards for the American Stock Exchange LLC (''Amex'') for Index Fund Shares based on Fixed Income Indexes and Combination Indexes in Securities Exchange Act Release No. 55437 (March 9, 2007), 72 FR 12233 (March 15, 2007) (SR–Amex–2006–118). The Commission has approved listing of exchange-traded funds based on a fixed income index or portfolio. *See, e.g.*, Securities Exchange Act Release No. 48534 (September 24, 2003), 68 FR 56353 (September 30, 2003) (SR–Amex–2003–75) (order approving listing on Amex of eight series of iShares Lehman Bond Funds).

[17] 15 U.S.C. 78s(b)(2).

[18] This Amendment No. 1 to SR–NYSEArca–2015–01 replaces SR–NYSEArca–2015–01 as originally filed and supersedes such filing in its entirety.

[19] The Commission previously has approved proposed rule changes relating to listing and trading on the Exchange of Units based on municipal bond indexes. *See* Securities Exchange Act Release Nos. 67985 (October 4, 2012), 77 FR 61804 (October 11, 2012) (SR–NYSEArca–2012–92) (order approving proposed rule change relating to the listing and trading of iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 67729 (August 24, 2012), 77 FR 52776 (August 30, 2012) (SR–NYSEArca–2012–92) (notice of proposed rule change relating to the listing and trading of iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02) (''iShares 2018 Notice''); 72523, (July 2, 2014), 79 FR 39016 (July 9, 2014) (SR–NYSEArca–2014–37) (order approving proposed rule change relating to the listing and trading of iShares 2020 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 72172 (May 15, 2014), 79 FR 29241 (May 21, 2014) (SR–NYSEArca–2014–37) (notice of proposed rule change relating to the listing and trading of iShares 2020 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02) (''iShares 2020 Notice''); 72464 (June 25, 2014), 79 FR 37373 (July 1, 2014) (File No. SR–NYSEArca–2014–45) (order approving proposed rule change governing the continued listing and trading of shares of the PowerShares Insured California Municipal Bond Portfolio, PowerShares Insured National Municipal Bond Portfolio, and PowerShares Insured New York Municipal Bond Portfolio) (''PowerShares Order''); 75468 (July 16, 2015), 80 FR 43500 (July 22, 2015) (SR–NYSEArca–2015–25) (order approving proposed rule change relating to the listing and trading of iShares iBonds Dec 2021 AMT-Free Muni Bond ETF and iShares iBonds Dec 2022 AMT-Free Muni Bond ETF under NYSE Arca Equities Rule 5.2(j)(3))(''iShares 2021/2022 Order''); 74730 (April 15, 2015), 76 FR 22234 (April 21, 2015) (notice of proposed rule change relating to the listing and trading of iShares iBonds Dec 2021 AMT-Free Muni Bond ETF and iShares iBonds Dec 2022 AMT-Free Muni Bond ETF under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02) (''iShares 2021/2022 Notice''); 74730 [sic] 75376 (July 7, 2015), 80 FR 40113 (July 13, 2015) (SR–NYSEArca–2015–18) (order approving proposed rule change relating to the listing and trading of Vanguard Tax-Exempt Bond Index Fund under NYSE Arca Equities Rule 5.2(j)(3)). The Commission also has issued a notice of filing and immediate effectiveness of a proposed rule change relating to listing and trading on the Exchange of shares of the iShares Taxable Municipal Bond Fund. *See* Securities Exchange Act Release No. 63176 (October 25, 2010), 75 FR 66815 (October 29, 2010) (SR–NYSEArca–2010–94). The Commission has approved for Exchange listing and trading of shares of two actively managed funds of the PIMCO ETF Trust that principally hold municipal bonds. *See* Securities Exchange Act Release No. 60981 (November 10, 2009), 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving listing and trading of shares of the PIMCO Short-Term Municipal Bond Strategy Fund and PIMCO Intermediate Municipal Bond Strategy Fund). The Commission also has approved listing and trading on the Exchange of shares of the SPDR Nuveen S&P High Yield Municipal Bond

The Exchange proposes to amend NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2) to provide an alternative for Units based on an index or portfolio of municipal bond securities to the criterion that components that in the aggregate account for 75% of the weight of the index or portfolio have a minimum original principal amount outstanding of $100 million or more. Specifically, the Exchange proposes that, with respect to an index or portfolio of only municipal bond components, the index or portfolio shall meet the following criteria:

- 75% of the weight of the index or portfolio shall be issued in an offering with an aggregate size, as set forth in the official statement of the offering, of $100 million or more (the ''75% Requirement'');
- the average dollar amount outstanding of components of the index or portfolio shall be at least $10 million;
- each component of the index or portfolio shall have a minimum principal amount outstanding of at least $2 million;
- the index or portfolio must include at least 1,000 components; and
- the index or portfolio must include a minimum of 13 non-affiliated issuers.

With respect to proposed Commentary .02(a)(2)(B)(i), the Exchange believes it is appropriate to calculate components of a municipal bond index differently from other Fixed Income Securities for purposes of the 75% weighting requirement because municipal bond offerings differ from U.S. Treasury, Government Sponsored Entities (''GSEs''), or other fixed income offerings in a variety of ways. Principally, municipal bonds are issued with either ''serial'' or ''term'' maturities or some combination thereof. The official statement issued in connection with a municipal bond offering describes the terms of the component bonds and the issuer and/or obligor on the related bonds. Such an offering is comprised of a number of specific maturity sizes and is based on a specified project or group of projects and funded by the same revenue or other funding sources identified in the official statement.[20] The entire issue or offering that includes such maturity sizes (sometimes also referred to as the ''deal size'') receives the same credit rating and the various maturities are all subject to the provisions set forth in the official statement.[21]

Because the individual municipal bond components of an index may predominantly have an original principal amount outstanding of less than $100 million (although part of a municipal bond offering of $100 million or greater), NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 would not generally permit listing under Rule 19b–4(e) of Units based on a municipal bond index. The Exchange believes the proposed amendment to Commentary .02(a)(2) would facilitate listing of Units based on municipal bond indexes by permitting the Exchange, in applying its generic listing criteria, to take into account the aggregate size of the municipal bond offering, as set forth in the applicable official statement, of which an index or portfolio component is part.

The Exchange notes that major municipal bond indexes, while they include individual bond maturities as index components, include ''deal size'' as a factor in the criteria for index constituents and additions. For example, the index methodology for the S&P National AMT-Free Municipal Bond Index specifies that each bond must be a constituent of a deal where the deal's original offering amount was at least $100 million.[22] In addition, for Barclays Capital municipal bond indexes, the index methodology for the Barclays Capital Investment-Grade Municipal Index specifies that a bond in the index must be issued as part of a transaction of at least $75 million; and for the Barclays Capital High-Yield Municipal Index and the Barclays Capital Enhanced State Specific Indices, the bond constituents must be issued as part of a transaction of at least $20 million.[23]

The Commission previously has approved listing and trading of Units where the applicable municipal index components did not individually meet the 75% percentage requirement of NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2)(A).[24] As stated in the iShares 2020 Notice, for example, the investment adviser (Blackrock Fund Advisors or ''BFA'') for the iShares 2020 S&P AMT-Free Municipal Series has represented that the nature of the municipal bond market and municipal bond instruments makes it feasible to categorize individual issues represented by CUSIPs (*i.e.,* the specific identifying number for a security) into categories according to common characteristics—specifically, rating, purpose, geographical region, and maturity. BFA represented that bonds that share similar characteristics tend to trade similarly to one another; therefore, within these categories, the issues may be considered fungible from a portfolio management perspective, allowing one CUSIP to be represented by another that shares similar characteristics for purposes of developing an investment strategy.[25] Therefore, while a relatively low percentage of the weight of the applicable index components may be part of an aggregate size offering of $100 million or more, the nature of the municipal bond market makes such components relatively fungible for investment purposes when aggregated into categories such as ratings, purpose, geographical region, and maturity. In addition, BFA represented that, within a single municipal bond issuer, there are often multiple contemporaneous or sequential issuances that have the same rating, structure and maturity, but have different CUSIPs; these separate issues by the same issuer are also likely to trade similarly to one another. Individual CUSIPs within the applicable municipal bond index that share characteristics with other CUSIPs based on rating, purpose, geographical region, and maturity have a high yield to maturity correlation, and frequently have a correlation of one or close to one. Such correlation demonstrates that the CUSIPs within their respective category behave similarly.

Likewise, as noted above, the individual maturity sizes that comprise a municipal bond offering share a number of important features, including credit rating and the purpose and terms of the offering as set forth in the applicable official statement. As with individual CUSIPs in an index that share certain characteristics, as described above, the individual maturity sizes comprising the municipal bond offering can be expected to be

Fund under Commentary .02 of NYSE Arca Equities Rule 5.2(j)(3). *See* Securities Exchange Act Release No. 63881 (February 9, 2011), 76 FR 9065 (February 16, 2011) (SR–NYSEArca–2010–120).

[20] There are two principal types of municipal bonds—general obligation, which are issued to raise capital supported by the taxing power of the issuer, and revenue bonds, which fund projects supported by the income these projects generate. Multiple maturities allow municipal bond issuers to better match and manage the timing of revenues and expenses associated with municipal bond offerings and projects financed thereby, and allow issuers to reduce their cost of funding over time. This is especially important given the long-term nature of the projects that secure municipal bond offerings and intermittent cash flows generated from the projects or other revenue sources. The issuer is able to pay down the municipal bond offering, lowering the amount outstanding, and thereby paying less interest over the life of the issue in contrast to an issue with a term maturity.

[21] Financial information vendors provide deal size as well as maturity size.

[22] Source: Standard & Poor's, available at *www.us.spindices.com.*

[23] Source: Barclays Capital Municipal Index Research.

[24] *See* note 19, *supra.*

[25] *See also* iShares 2021/2022 Notice, note 19, *supra.*

relatively fungible for investment purposes. The Exchange believes that the proposed rule change is reasonable and appropriate in that pricing and liquidity of such maturity sizes is predominately based on the common characteristics of the aggregate issue of which the municipal bond is part. Thus, consideration of the aggregate size of the municipal bond offering rather than the individual bond component does not raise concerns regarding pricing or liquidity of the applicable municipal bond index components or of the Units overlying the applicable index.

With respect to the criteria in proposed Commentary .02(a)(2)(B)(ii) through (v), the Exchange believes such criteria would limit generic listing of funds based on municipal bond index components that are sufficiently broad-based and liquid to deter potential manipulation of the Units. In particular, the proposed requirement that the average dollar amount outstanding of components be at least $10 million is comparable to the average dollar amount outstanding for index components of municipal bond indexes underlying funds previously approved by the Commission for Exchange trading.[26] The Exchange, in proposing the listing of these other funds, believed they would not be readily susceptible to manipulation and such funds are currently trading in a fair and orderly manner. Similarly, the proposed requirements that each component have a minimum principal amount outstanding of at least $2 million, combined with the 75% Requirement, would assure that individual maturities within an index or portfolio be of substantial size. The substantial size of a large proportion of components in the index or portfolio further deters the susceptibility of the Units to manipulation. Finally, the proposed requirement that an index or portfolio include at least 1,000 components and include a minimum of 13 non-affiliated issuers is comparable to the number of index components of municipal bond indexes underlying funds previously approved by the Commission for Exchange trading [27] and the current requirement in Commentary .02(a)(5).[28] These requirements would effectively require that index or portfolio components have a total dollar amount outstanding of at least $10 billion, which, would limit listing of Units under the [sic] Rule 19b–4(e) to those based on underlying indexes of substantial size and multiple securities.

In addition, because the Exchange's proposed alternative listing criteria for Units based on municipal bond indexes or portfolios would require a minimum of 13 non-affiliated issuers, the Exchange proposes to change NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(5) [29] so that municipal securities could not be among the exempted securities in an index or portfolio underlying a Unit that is not subject to the minimum 13 non-affiliated issuer requirement.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) [30] of the Act, in general, and furthers the objectives of section 6(b)(5),[31] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change applicable to trading pursuant to generic listing and trading criteria, together with the Exchange's surveillance procedures applicable to trading in the securities covered by the proposed rules, serve to foster investor protection. The proposed rule change would also enhance market competition by assisting in bringing issues of Units with an underlying index of municipal securities to market more quickly, consistent with the Commission's adoption of Rule 19b–4(e) under the Act.

The Commission has previously approved proposed rule changes relating to listing and trading on the Exchange of Units based on municipal bond indexes and issues of Managed Fund Shares that hold municipal bonds.[32] With respect to proposed Commentary .02(a)(2)(B)(i), the Exchange notes that major municipal bond indexes, while they include individual bond maturities as index components, include ''deal size'' as a factor in the criteria for index constituents and additions. As noted above, municipal bonds that share similar characteristics tend to trade similarly to one another; therefore, within these categories, the issues may be considered fungible from a portfolio management perspective, allowing one CUSIP to be represented by another that shares similar characteristics for purposes of developing an investment strategy.[33] Therefore, while a relatively low percentage of the weight of the applicable index components may be part of an offering with an aggregate size of $100 million or more, the nature of the municipal bond market makes such components relatively fungible for investment purposes when aggregated into categories such as ratings, purpose, geographical region, and maturity. As with individual CUSIPs in an index that share certain characteristics, as described above, the individual maturity sizes comprising a municipal bond offering can be expected to be relatively fungible for investment purposes. The Exchange believes that the proposed rule change is reasonable and appropriate in that pricing and liquidity of such maturity sizes is predominately based on the common characteristics of the municipal bond offering of which the municipal bond component is part. Thus, consideration of the municipal bond offering rather than the individual bond component does not raise concerns regarding pricing or liquidity of the applicable municipal bond index components or of the Units overlying the applicable index. In addition, financial information vendors provide deal size, as well as maturity size information, for each municipal bond issue.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that Units based on an index or portfolio that includes municipal bond components would be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 5.2(j)(3). The proposed amendment to NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2) would better accommodate listing of Units based on

[26] *See, e.g.,* 2021/2022 Order and PowerShares Order, note 19, *supra.*

[27] *See, e.g.,* PowerShares Order, note 19, *supra.*

[28] The Exchange notes that an index or portfolio underlying a series of Units also would be required to meet the requirement of NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(4) that ''[n]o component fixed-income security (excluding Treasury Securities and GSE Securities) shall represent more than 30% of the weight of the index or portfolio, and the five most heavily weighted component fixed-income securities in the index or portfolio shall not in the aggregate account for more than 65% of the weight of the index or portfolio''.

[29] NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(5) provides that an underlying index or portfolio (excluding one consisting entirely of exempted securities) must include a minimum of 13 non-affiliated issuers. Municipal securities are exempted securities under Section 3(a)(12)(A) of the Act.

[30] 15 U.S.C. 78f(b).

[31] 15 U.S.C. 78f(b)(5).

[32] *See* note 19, *supra.*

[33] *See* iShares 2018 Notice, iShares 2020 Notice and iShares 2021/2022 Notice, note 19, *supra.*

indexes that include municipal bonds, in view of features of such bonds that differ from those of most other Fixed Income Securities. In connection with establishing compliance with NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2), for an index or portfolio of municipal bond components that does not meet the requirement that components that in the aggregate account for least 75% of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of $100 million or more, individual municipal bond components in an index or portfolio would be required to be part of an offering of substantial size (*i.e.,* at least $100 million aggregate size). The Exchange believes that the $100 million minimum threshold would help ensure that a substantial percentage of the applicable index components are liquid. The proposed requirement that the average dollar amount outstanding of components be at least $10 million is comparable to the average dollar amount outstanding for index components of municipal bond indexes underlying funds previously approved by the Commission for Exchange trading.[34]

The proposed requirement that that [sic] each component have a minimum principal amount outstanding of at least $2 million, combined with the 75% Requirement, would assure that individual maturities within an index or portfolio be of substantial size. The proposed requirement that an index or portfolio include at least 1,000 components is comparable to the number of index components of municipal bond indexes underlying funds previously approved by the Commission for Exchange trading.[35] Such requirement would effectively require that index or portfolio components have a total dollar amount outstanding of at least $10 billion, which would facilitate listing of Units based on underlying indexes of substantial size. The proposed requirement that an index or portfolio include a minimum of 13 non-affiliated issuers, which is based on the existing requirement in Commentary .02(a)(5), would facilitate generic listing of Units that are diversified and broad-based.

Finally, the proposed amendment to NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(5) to exclude municipal securities from the types of exempted securities in an index or portfolio that is excepted from the requirement that an index or portfolio underlying a Unit have at least 13 non-affiliated issuers would require that the index or portfolio include a minimum of 13 non-affiliated issuers as set forth in proposed Commentary .02(a)(2)(B)(v).

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest in that it would facilitate the listing and trading of additional types of exchange-traded funds that hold municipal bonds pursuant to the generic listing criteria of NYSE Arca Equities Rule 5.2(j)(3), Commentary .02, and thus would enhance competition among market participants, to the benefit of investors and the marketplace. The Exchange is proposing to modify the criteria for qualifying Units based on a Fixed Income Securities index or portfolio that includes municipal bond components by applying the same quantitative threshold (*i.e.,* $100 million or more) to the aggregate size of the municipal bond offering as the threshold that applies to component Fixed Income Securities generally, as set forth in current Rule 5.2(j)(3), Commentary .02(a)(2). The Exchange believes that applying the $100 million threshold to the aggregate size of the municipal bond offering rather than to individual maturities of the offering is appropriate in view of differences in the characteristics of municipal bond issuances from issuances of other Fixed Income Securities, as described above, while, at the same time, assuring that any individual municipal bond component is part of an offering of substantial size (*i.e.,* at least $100 million aggregate size). In addition, the Exchange believes that the proposed criteria in proposed Commentary .02(a)(2)(B)(ii) through (v) would facilitate generic listing of funds based on municipal bond index components that are sufficiently broad-based and liquid to deter potential manipulation.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competition among exchanges. The Exchange believes that the proposed rule change would remove a burden on competition for issuers of municipal bond offerings to provide that the Exchange's rules regarding the listing and trading of Units pursuant to Commentary .02 of Rule 5.2(j)(3) are evaluated on a similar basis to other fixed income offerings. As discussed above, because the ''deal size'' associated with a municipal bond offering is deemed the relevant basis for determining pricing and liquidity of maturity sizes of municipal bond components that comprise an index, the Exchange believes that the proposed rule change addresses the unique characteristics of municipal bond offerings as compared to other fixed income products in a manner consistent with the existing requirements of Commentary .02(a)(2) of Rule 5.2(j)(3).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2015–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2015–01. 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

[34] *See, e.g.,* 2021/2022 Order and PowerShares Order, note 19, *supra.*

[35] *See, e.g.,* PowerShares Order, note 19, *supra.*

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 Number SR–NYSEArca –2015–01 and should be submitted on or before September 21, 2015.[36]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–22604 Filed 9–8–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75809; File No. SR–NYSE–2015–38]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Section 202.06 of the NYSE Listed Company Manual

September 2, 2015.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 27, 2015, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend section 202.06 of the NYSE Listed Company Manual (the ''Manual'') to expand the pre-market hours during which listed companies are required to notify the Exchange prior to disseminating material news, to permit the Exchange to halt trading in certain additional circumstances, including when it needs to obtain more information about a listed company news release, and to provide guidance related to the release of material news after the close of trading on the Exchange. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The NYSE proposes to amend section 202.06 of the Manual to (i) expand the pre-market hours during which listed companies are required to notify the Exchange prior to disseminating material news, and (ii) provide the Exchange with authority to halt trading (a) during pre-market hours at the request of a listed company, (b) when the Exchange believes it is necessary to request certain information from listed companies, and (c) when an Exchange-listed security is also listed on another national or foreign securities exchange and such other exchange halts trading in such security for regulatory reasons. The Exchange also proposes to amend section 202.06 of the Manual to provide guidance related to the release of material news after the close of trading on the Exchange.

Section 202.06 of the Manual gives the Exchange authority to halt trading in a listed company's security under certain circumstances. Currently, the Exchange may impose a regulatory trading halt when a listed company announces material news[3] shortly before the opening of trading on the Exchange or during the Exchange trading session (currently 9:30 a.m. to 4:00 p.m.). When that happens, the Exchange will typically institute a regulatory halt in trading, which halts trading on all market centers, to ensure full dissemination of the news to investors. The Exchange proposes to expand the hours and circumstances under which it can declare a regulatory trading halt.

Regulatory Trading Halts

Currently, section 202.06 of the Manual requires listed companies to notify the Exchange at least ten minutes in advance of releasing material news if such release will take place shortly before the opening of trading on the Exchange or during Exchange market hours (the ''Material News Policy'').[4] The Exchange proposes to amend section 202.06 to require companies to comply with the Material News Policy between 7:00 a.m. and 4:00 p.m. Eastern Time. In the Exchange's experience, most companies release news related to corporate actions and other material events between 7:00 a.m. and 9:30 a.m. Although trading on the Exchange does not begin until 9:30 a.m., the Exchange believes that material news released between 7:00 a.m. and 9:30 a.m. has the potential to cause volatility in both price and volume during pre-market trading that occurs on other market centers as well as once trading opens on the Exchange. However, because there is a lower volume of trading in such pre-market hours, the Exchange believes that a listed company is most well positioned to determine whether a trading halt is appropriate given the news it intends to release. Therefore, to facilitate an orderly opening and ensure thorough dissemination of material news, the Exchange believes it is beneficial to require companies to comply with the Material News Policy

[36] The Commission believes that a 10-day comment period is reasonable, given the requirement that the Commission act on the proposed rule change by October 2, 2015. A 10-day period will provide adequate time for comment. *See supra* notes 7 and 8.

[37] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange considers material news to be any news that is reasonably likely to have a material impact on the price or trading volume of a listed security.

[4] At the time section 202.06 of the Manual was last amended, the Exchange had an off-hours trading session in which securities could be traded at Exchange closing prices after the Exchange's 4:00 p.m. close until 5:00 p.m. As such off-hour trading session no longer exists, the Exchange proposes to amend Section 202.06 of the Manual to specify that the Exchange's market hours end at 4:00 p.m. Eastern Time.

and advise whether a trading halt is appropriate during pre-market hours.

As discussed above, when a listed company releases material news during the course of the trading day, the Exchange will typically halt trading temporarily to ensure full dissemination of the news. Under the proposed rules, between 7:00 a.m. and the opening of trading on the Exchange, the Exchange may implement a regulatory halt in circumstances where (i) the listed company has informed Exchange staff that it intends to make a public announcement of material news and (ii) the listed company requests that trading in its listed securities be halted pending dissemination of the public announcement (a ''Pre-Market Halt'').[5] While trading on the Exchange does not begin until 9:30 a.m. Eastern Time, trading (including trading in Exchange-listed securities) begins on NYSE Arca Equities, Inc., the Nasdaq Stock Market and other national securities exchanges at 4:00 a.m. Eastern Time. When the Exchange implements a regulatory trading halt to allow for the release of material news, other national securities exchanges that trade Exchange-listed securities also halt trading in such security until the Exchange lifts the halt.[6]

The Exchange notes that the volume of trading in the hours before trading begins on the Exchange is generally lighter and conducted predominantly by professional investors. Because of this reduced trading volume and the fact that the Exchange itself is not yet open for trading during these hours, the Exchange believes it is appropriate to institute a Pre-Market Halt only at the request of a listed company. The Exchange notes that the Nasdaq Stock Market (''Nasdaq'') has adopted a comparable rule with respect to trading halts between the hours of 7:00 a.m. and 9:30 a.m.[7] Lastly, when a trading halt is implemented during Exchange market hours, NYSE Rule 123D specifies that a Floor Governor or two Floor Officials must approve the halt in trading. However, because a Pre-Market Halt will only be instituted at the request of a listed company and because Floor Governors and Floor Officials are not typically on the trading floor during pre-market hours, the Exchange proposes to include a statement that, notwithstanding anything to the contrary in NYSE Rule 123D(1), the approval of the Floor Governors or Floor Officials is not required for a Pre-Market Halt.

The Exchange proposes to further amend section 202.06 of the Manual to set forth circumstances in which it may institute a regulatory halt while it awaits information requested from a listed company. Section 202.06 of the Manual currently limits the Exchange's authority to halt trading to situations when a listed company intends to release material news during market hours. However, in the Exchange's experience there are other scenarios when it may be advisable to halt trading for the protection of investors. For example, if there is uncertainty surrounding material news issued by a listed company or a company's compliance with the Exchange's continued listing standards, the Exchange believes it may be appropriate to halt trading while it gathers information to resolve such ambiguity. Accordingly, the Exchange proposes to amend section 202.06 of the Manual to state that if it is necessary to request information from a listed company relating to (i) material news, (ii) the listed company's compliance with Exchange continued listing requirements, or (iii) any other information which is necessary to protect investors and the public interest, the Exchange may halt trading in such listed company's security until it has received and evaluated the requested information. The proposed change in this regard mirrors Nasdaq Stock Market Rule 4120(a)(5).

As discussed above, the Exchange believes that the release of material news immediately prior to the commencement of trading on the Exchange has the potential to cause significant volatility to the opening process. Similarly, material news released immediately after 4:00 p.m. Eastern Time can interfere with the closing process. Although trading on the Exchange stops at 4:00 p.m. Eastern Time, the order book for each listed security is manually closed by the security's Designated Market Maker (''DMM''), a process that can take several minutes before the closing auction is completed. Because trading continues after 4:00 p.m. Eastern Time on other exchanges, if a listed company releases material news immediately after 4:00 p.m. Eastern Time there can be significant price movement on other markets when compared to the last sale price on the Exchange. The result, therefore, is that a DMM can be executing trades at the Exchange closing price while the same security is simultaneously trading on other exchanges at a very different price. As this discrepancy can cause confusion to investors, the Exchange proposes to include advisory text in section 202.06 of the Manual requesting that listed companies intending to release material news after the close of trading on the Exchange wait until the earlier of the publication of their security's official closing price on the Exchange or 15 minutes after the scheduled closing time on the Exchange.[8] The Exchange proposes to specify that trading on the Exchange typically closes at 4:00 p.m. Eastern Time, except that on certain days trading closes early at 1:00 p.m. Eastern Time. As discussed in Footnote 4, above, the Exchange no longer has an off-hours trading session. Therefore, the Exchange proposes to delete obsolete text (marked with an asterisk) related to such session.

Lastly, the Exchange proposes to amend section 202.06 of the Manual to state that it may halt trading in an American Depositary Receipt (''ADR'') or other security listed on the Exchange, when the Exchange-listed security (or the security underlying the ADR) is listed on or registered with another national securities exchange or foreign exchange or market and such other exchange (or regulatory authority overseeing such exchange) halts trading in such security for regulatory reasons. The Exchange notes that Nasdaq has also adopted this practice under Nasdaq Stock Market Rule 4120(a)(4).

Additional Proposed Changes

Section 202.06(C) of the Manual requires companies to release material news by the fastest available means. Pursuant to section 202.06(A) of the Manual, listed companies can disclose such material news via any Regulation FD compliant method, including by filing a Form 8–K with the Securities and Exchange Commission (the ''Commission''). Currently, section 202.06(C) includes advisory text on the best way to release material news to ensure immediate and widespread coverage. The Exchange believes that much of this advisory text is outdated as it refers to, among other things, the release of news by telephone, facsimile or hand delivery. Instead, the Exchange

[5] However, the proposed rule will state that if it appears that dissemination of material news will not be complete prior to the opening of trading on the Exchange at 9:30 a.m., the Exchange may temporarily halt trading solely in its own discretion in order to facilitate an orderly opening process. This is consistent with the Exchange's current practice.

[6] *See,* for example, NYSE Arca Equities Rule 7.18 and Nasdaq Stock Market Rule 4120(a)(2) for the authority to initiate a trading halt.

[7] *See,* for example, Nasdaq Stock Market Rule 4120(a)(1) which applies between the hours of 4:00 a.m. and 9:30 a.m.

[8] Although the Exchange typically closes at 4:00 p.m. Eastern Time, there are certain days each year when it closes at 1:00 p.m. Eastern Time. The phrase ''15 minutes after the scheduled closing time'' will account for these early closings.

proposes to include a concise statement that listed companies releasing material news should either (i) include the news in a Form 8–K or other Commission filing, or (ii) issue the news in a press release to the major news wire services, including, at a minimum, Dow Jones & Company, Inc., Reuters Economic Services and Bloomberg Business News. The Exchange believes that distribution by either of these methods is consistent with current disclosure practices and ensures adequate dissemination. To make sections 202.06(B) and 202.06(C) consistent, the Exchange proposes to amend section 202.06(B) of the Manual to delete a reference to ''Dow Jones, Reuters and Bloomberg'' and replace it with a reference to the ''major'' news wires.

The Exchange proposes to make a number of other non-substantive changes to sections 202.03, 202.04 and 202.06 of the Manual. In sections 202.03, 202.04 and 202.06(B)–(C), the Exchange proposes to delete the word ''representative'' after Exchange as listed companies do not have a designated Exchange representative to whom they should communicate in relation to material news.[9] Similarly, in section 202.06 of the Manual, the Exchange proposes to remove a reference to the ''specialist's book'' as such book no longer exists. Instead, the Exchange will include a reference to ''the Exchange.''

In section 202.06 of the Manual, the Exchange proposes to revise the section headings to accurately reflect the new rule text as described herein.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b)[10] of the Act, in general, and furthers the objectives of section 6(b)(5) of the Act,[11] in particular in that it is designed 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. The Exchange believes that the proposed amendment is consistent with the investor protection objectives of section 6(b)(5) because it gives the Exchange greater flexibility to implement regulatory trading halts in a listed security when such halts may be necessary for the protection of investors. Specifically, the proposed rule change will alter the hours in which listed companies are required to comply with the Material News Policy such that the hours are from 7:00 a.m. to 4:00 p.m. Eastern Time (rather than just shortly before the opening of trading on the Exchange and during the Exchange trading session, as is currently the case). The proposed rule change will also enable the Exchange to (i) implement a Pre-Market Halt at the request of a listed company when the company intends to issue material news between 7:00 a.m. and 9.30 a.m. Eastern Time, (ii) halt trading when it believes it is necessary to request certain information from listed companies, and (iii) halt trading in an ADR or other Exchange-listed security when the Exchange-listed security or the security underlying the ADR is listed on or registered with another national securities exchange or foreign exchange or market and is halted on such other exchange or market for regulatory reasons. Further, the Exchange proposes to include a concise statement, in lieu of existing advisory text, that listed companies releasing material news should either (i) include the news in a Form 8–K or other Commission filing, or (ii) issue the news in a press release to the major news wire services, including, at a minimum, Dow Jones & Company, Inc., Reuters Economic Services and Bloomberg Business News. The Exchange believes that distribution by either of these methods is consistent with current disclosure practices and ensures adequate dissemination to the public. Additionally, the Exchange proposes to include advisory text in section 202.06 of the Manual requesting that listed companies intending to release material news after the close of trading on the Exchange wait until the earlier of the publication of their security's official closing price on the Exchange or 15 minutes after the scheduled closing time on the Exchange. The Exchange believes this change will eliminate confusion to investors when a DMM is executing a trade at the Exchange closing price while the same security is simultaneously trading on other exchange [sic] at a very different price. The Exchange believes that each of the proposed changes enumerated above are [sic] consistent with the investor protection objectives of section 6(b)(5) because they provide the Exchange with additional authority to halt trading in circumstances where material news that may impact trading is to be released by listed companies or has not yet been fully disseminated. The Exchange believes that material news is highly relevant to investors when deciding to buy or sell securities and thus providing the Exchange with additional authority to halt trading while such news is released and disseminated is protective of investors.

In addition, the Exchange believes the proposed rule change is consistent with the protection of investors because it will specify in Exchange rules the scenarios in which a trading halt may be necessary, thereby promoting transparency in Exchange rules and making them easier to navigate. In giving the Exchange authority to declare regulatory trading halts in situations described herein, the proposed rule change enables the Exchange to act in the best interest of protecting investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that section 202.06 of the Manual, as amended, do [sic] not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As discussed herein, the Exchanges [sic] proposed amendments to section 202.06 of the Manual are designed to give the Exchange greater flexibility to halt trading in a particular listed security when the Exchange believes a halt is necessary or appropriate. Currently, section 202.06 of the Manual only permits the Exchange to implement regulatory trading halts for the dissemination of material news. As currently drafted, the Exchange believes these rules are unnecessarily restrictive and do not cover the full spectrum of situations where a trading halt may be necessary for the protection of investors. In addition, the Exchange believes that its proposed changes are consistent with the Nasdaq rules with respect to trading halts. For the foregoing reasons, therefore, the Exchange does not believe that such changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

[9] Currently, the Exchange's Market Watch team performs this function. However, as the official title of different groups occasionally changes, the Exchange believes it is appropriate to refer simply to ''the Exchange'' consistent with elsewhere in the Manual.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2015–38 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2015–38. 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–NYSE–2015–38 and should be submitted on or before September 30, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–22603 Filed 9–8–15; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75829; File No. 265–29]

Equity Market Structure Advisory Committee

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: The Securities and Exchange Commission Equity Market Structure Advisory Committee is providing notice that it will hold a public meeting on Thursday, September 24, 2015, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC. The meeting will begin at 10:00 a.m. (EDT) and will be open to the public, except for a period of approximately 60 minutes when the Committee will meet in an administrative work session during lunch. The public portions of the meeting will be webcast on the Commission's Web site at *www.sec.gov*. Persons needing special accommodations to take part because of a disability should notify the contact person listed below. The public is invited to submit written statements to the Committee. The meeting will focus on Rule 610 of SEC Regulation NMS and the regulatory structure of trading venues.

DATES: The public meeting will be held on Thursday, September 24, 2015. Written statements should be received on or before September 21, 2015.

ADDRESSES: The meeting will be held at the Commission's headquarters, 100 F Street NE., Washington, DC. Written statements may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rule-comments@sec.gov*. Please include File Number 265–29 on the subject line; or

Paper Comments

- Send paper statements in triplicate to Brent J. Fields, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. 265–29. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method. The Commission will post all statements on the Commission's Internet Web site at SEC Web site at (*http://www.sec.gov/comments/265-29/265-29.shtml*).

Statements also will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Arisa Tinaves Kettig, Special Counsel, at (202) 551–5676, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.-App. 1, and the regulations thereunder, Stephen Luparello,

Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: September 3, 2015.

Brent J. Fields,

Committee Management Officer.

[FR Doc. 2015–22679 Filed 9–8–15; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 9260]

In the Matter of the Designation of Yahya Ibrahim Hassan Sinwar; Also Known as Yehya al-Sinwar; Also Known as Yehya Sinwar; Also Known as Yehia Sinwar; Also Known as Yehiyeh Sinwar; as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Yahya Ibrahim Hassan Sinwar, also known as Yehya al-Sinwar, also known as Yehya Sinwar, also known as Yehia Sinwar, also known as Yehiyeh Sinwar, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: August 27, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–22698 Filed 9–8–15; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9259]

In the Matter of the Designation of Muhammed Deif; Also Known as Muhammad al-Dayf; Also Known as Mohammed al-Masri as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Muhammed Deif, also known as Muhammad al-Dayf, also known as Mohammed al-Masri, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated August 19, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–22696 Filed 9–8–15; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9262]

In the Matter of the Designation of Samir Kuntar Also Known as Samir Quntar; Also Known as Sameer Kantar; Also Known as Samir Al-Kuntar; Also Known as Samir Qantar; Also Known as Samir Kintar; Also Known as Samir Qintar; Also Known as Samir Cantar; as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Samir Kuntar, also known as Samir Quntar, also known as Sameer Kantar, also known as Samir Al-Kuntar, also known as Samir Qantar, also known as Samir Kintar, also known as Samir Qintar, also known as Samir Cantar, committed or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: August 31, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–22692 Filed 9–8–15; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9258]

Advisory Committee on International Economic Policy; Notice of Open Meeting

The Advisory Committee on International Economic Policy (ACIEP) will meet between 2:00 and 5:00 p.m., on Wednesday, September 30, 2015, in New York City, NY, at 383 Madison Avenue, 13th floor, in conference room 1311. The meeting will be hosted by the Assistant Secretary of State for Economic and Business Affairs, Charles H. Rivkin and Committee Chair Paul R. Charron. The ACIEP serves the U.S. government in a solely advisory capacity, and provides advice concerning topics in international economic policy. It is expected that the ACIEP subcommittees will provide updates on their work.

This meeting is open to public participation, though seating is limited. Entry to the building is controlled. To

obtain pre-clearance for entry, members of the public planning to attend should *no later than Monday, September 21,* provide their full name and professional affiliation to Alan Krill by email: *KrillA@state.gov*. Requests for reasonable accommodation should be made to Alan Krill before Monday, September 21. Requests made after that date will be considered, but might not be possible to fulfill.

For additional information, contact Alan Krill, Office of Economic Policy Analysis and Public Diplomacy, Bureau of Economic and Business Affairs, at (202) 647–1310, or *KrillA@state.gov*.

Dated: August 31, 2015.

Alan Krill,

Alternate Designated Federal Official, Office of Economic Policy Analysis and Public Diplomacy, U.S. Department of State.

[FR Doc. 2015–22703 Filed 9–8–15; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice: 9261]

In the Matter of the Designation of Rawhi Mushtaha as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Rawhi Mushtaha committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: August 27, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–22699 Filed 9–8–15; 8:45 am]

BILLING CODE 4710–AD–P

STATE JUSTICE INSTITUTE

SJI Board of Directors Meeting, Notice

AGENCY: State Justice Institute.

ACTION: Notice of meeting.

SUMMARY: The SJI Board of Directors will be meeting on Monday, September 21, 2015 at 1:00 p.m. The meeting will be held at the Supreme Court of Texas in Austin, Texas. The purpose of this meeting is to consider grant applications for the 4th quarter of FY 2015, and other business. All portions of this meeting are open to the public.

ADDRESSES: Supreme Court of Texas, 201 West 14th Street, Austin, TX 78701.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, 571–313–8843, *contact@sji.gov*.

Jonathan D. Mattiello,

Executive Director.

[FR Doc. 2015–22629 Filed 9–8–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Revision of Advisory Circular 91–57 Model Aircraft Operating Standards

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

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of revised advisory circular (AC) 91–57, Model Aircraft Operating Standards. The revised AC may be viewed at *http://www.faa.gov/regulations_policies/advisory_circulars/*. The revised AC provides guidance to persons operating unmanned aircraft for hobby or recreation purposes meeting the statutory definition of ''model aircraft'' contained in Section 336 of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95). The FAA refers model aircraft users to section 336 of Public Law 112–95 for information regarding model aircraft operations.

DATES: Effective date September 9, 2015.

FOR FURTHER INFORMATION CONTACT: Randy Willis, Manager, Emerging Technologies Team, Federal Aviation Administration, 470 L'Enfant Plaza SW., Suite 7105, Washington, DC 20051; telephone (202) 267–8152; email: *Randy.Willis@faa.gov* or Dean E. Griffith, Attorney, International Law, Legislation and Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–3073; email: *dean.griffith@faa.gov.*

Issued in Washington, DC on September 3, 2015.

Lirio Liu,

Director, Office of Rulemaking.

[FR Doc. 2015–22635 Filed 9–8–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 2015 0099]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Monthly Report of Ocean Shipments Moving Under Export-Import Bank Financing

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves documenting shipments made during the life of certain EXIM Bank financed projects. The information to be collected is necessary for MARAD to fulfill its legislative requirement to monitor the percentage of ocean freight revenues/tonnage. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by November 9, 2015.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2015–0099] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kathleen DiPietropolo, 202–366–0819, Office of Cargo and Commercial Sealift, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0013.

Title: Monthly Report of Ocean Shipments Moving Under Export-Import Bank Financing.

Form Numbers: MA–518.

Type of Review: Renewal of an information collection.

Background: The information collection will be used by MARAD to monitor compliance with the cargo preference laws by parties covered under PR 17 and 46 CFR part 381. In addition, MARAD will use the information to compile annual information on Export-Import Bank-financed shipments, and when applicable, to provide for an informal grievance procedure, in the event there is a question or complaint pertaining to cargo preference matters.

The monthly shipping reports, with substantiating documents, will provide the only basis for MARAD to exercise its legislative responsibility to monitor Export-Import Bank-financed cargoes that are transported on U.S.-flag vessels, recipient flag vessels and on third-flag vessels according to the determinations and certifications of vessel non-availability that have been granted. The compilation of the statistics from the shipping reports forms the basis for determining compliance with PR 17 for each loan participant. This information is also provided to the Export-Import Bank, and is the nucleus for conducting annual reviews of the shipping activities of the Export-Import Bank programs.

MARAD uses the information collected as part of the Transparency Initiative to share with the Export-Import Bank. MARAD also intends to use the information to assist Ex-Im Bank shippers with finding suitable U.S.-flag vessels and in support of the determinations MARAD makes with respect to requests from Export-Import Bank shippers for certifications of non-availability.

Respondents: All Export-Import Bank loan and certain loan guarantee recipients and designated representatives charged with the responsibility of monthly and annual reporting. These can be a contractor, ocean transportation intermediary, supplier, etc.

Number of Respondents: 28.

Frequency: Monthly.

Number of Responses: One per month.

Total Annual Burden: 196.

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 the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:93.

Dated: August 20, 2015.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2015–22726 Filed 9–8–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Draft Test Plan To Obtain Interference Tolerance Masks for GNSS Receivers in the L1 Radiofrequency Band (1559–1610 MHz)

AGENCY: Office of the Assistant Secretary for Research and Technology, Department of Transportation.

ACTION: Notice; request for public comment.

SUMMARY: The purpose of this notice is to seek comment from interested parties regarding a draft test plan that the U.S. Department of Transportation (DOT) has developed for the Global Positioning System (GPS) Adjacent Band Compatibility Assessment effort.

DATES: Submit comments on or before October 9, 2015.

ADDRESSES: You may submit comments identified by docket number [DOT–OST–2015–0099] using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the address given below under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit a copy from which you have deleted the claimed confidential business information to the docket. When you send a comment containing information identified as confidential business information, you should include a cover letter setting forth the reasons you believe the information qualifies as ''confidential business information''. (49 CFR 7.17)

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact Stephen M. Mackey, Office of the Assistant Secretary for Research and Technology; Volpe National Transportation Systems Center; Aircraft Wakes and Weather Division, telephone 617–494–2753 or email *Stephen.Mackey@dot.gov.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background and Purpose

In December 2012, DOT developed its GPS Adjacent Band Compatibility Assessment Plan that identifies the processes to: (a) Derive adjacent-band transmitter power limit criteria for assumed new applications necessary to ensure continued operation of GPS services, and (b) determine similar levels for future GPS receivers utilizing modernized GPS and interoperable Global Navigation Satellite System (GNSS) signals. The draft test plan outlines the requirements, overall test plan, and the associated output data needed to successfully perform this component of the GPS Adjacent Band Compatibility assessment.

DOT has previously held three public workshops to discuss the Adjacent Band Compatibility Assessment. Further background, and the draft test plan, can be viewed at: *http://www.gps.gov/spectrum/ABC/.*

Public Participation

You may submit comments and related material regarding this notice. All comments received will be posted, without change, to *http://*

www.regulations.gov and will include any personal information you have provided.

Submitting comments: If you submit a comment, please include the docket number for this notice (DOT–OST–2015–0099) and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and use ''DOT–OST–2015–0099'' as your search term. Locate this notice in the results and click the corresponding ''Comment Now'' box to submit your comment. 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 docket, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period.

Viewing the comments: To view comments, as well as documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov* and use ''DOT–OST–2015–0099'' as your search term. Use the filters on the left side of the page to highlight ''Public Submissions'' or other document types. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act system of records notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Issued in Washington, DC, on September 2, 2015.

Gregory D. Winfree,

Assistant Secretary for Research and Technology.

[FR Doc. 2015–22634 Filed 9–8–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number: DOT–OST–2014–0031]

Agency Information Collection; Activity Under OMB Review; Part 249, Preservation of Records

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 29, 2015 (80 FR page 37047). No comments were received.

DATES: Written comments should be submitted by October 9, 2015.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Room E34–414, OST–R, BTS, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, Telephone Number (202) 366–4406, Fax Number (202) 366–3383 or EMAIL *jeff.gorham@dot.gov.*

Comments: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725—17th Street NW., Washington, DC 20503, Attention: OST Desk Officer.

SUPPLEMENTARY INFORMATION: OMB Approval No. 2138–0006.

Title: Preservation of Air carrier Records—14 CFR part 249

Form No.: None.

Type Of Review: Extension of a currently approved collection

Respondents: Certificated air carriers and charter operators

Number of Respondents: 90 certificated air carriers and 300 charter operators.

Estimated Time per Response: 3 hours per certificated air carrier, 1 hour per charter operator.

Total Annual Burden: 570 hours.

Needs and Uses: Part 249 requires the retention of records such as: General and subsidiary ledgers, journals and journal vouchers, voucher distribution registers, accounts receivable and payable journals and legers, subsidy records documenting underlying financial and statistical reports to DOT, funds reports, consumer records, sales reports, auditors' and flight coupons, air waybills, etc. Depending on the nature of the document, the carrier may be required to retain the document for a period of 30 days to 3 years. Public charter operators and overseas military personnel charter operators must retain documents which evidence or reflect deposits made by each charter participant and commissions received by, paid to, or deducted by travel agents, and all statements, invoices, bills and receipts from suppliers or furnishers of goods and services in connection with the tour or charter. These records are retained for 6 months after completion of the charter program.

Not only is it imperative that carriers and charter operators retain source documentation, but it is critical that we ensure that DOT has access to these records. Given DOT's established information needs for such reports, the underlying support documentation must be retained for a reasonable period of time. Absent the retention requirements, the support for such reports may or may not exist for audit/validation purposes and the relevance and usefulness of the carrier submissions would be impaired, since the data could not be verified to the source on a test basis.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Comments are invited on: Whether the proposed record retention requirements are necessary for the proper performance of the functions of the Department. Comments should address whether the information will have practical utility; the accuracy of the Department's estimate of the burden

of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on September 2, 2015.

William Chadwick Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2015–22665 Filed 9–8–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 13288, as Amended by Executive Order 13469, and Executive Order 13391

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is removing the names of three individuals and one entity whose property and interests in property have been blocked pursuant to Executive Order 13288 of March 6, 2003, ''Blocking Property of Persons Undermining Democratic Institutions in Zimbabwe,'' as amended by Executive Order 13391, ''Blocking Property of Additional Persons Undermining Democratic Processes or Institutions in Zimbabwe,'' and Executive Order 13469 of July 25, 2008, ''Blocking Property of Additional Persons Undermining Democratic Processes or Institutions in Zimbabwe.''

DATES: OFAC's actions described in this notice are effective as of September 3, 2015.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202/622–2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

The SDN List and additional information concerning OFAC sanctions programs are available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Notice of OFAC Actions

On September 3, 2015, OFAC, in consultation with the State Department, determined that circumstances no longer warrant the inclusion of the following three individuals and one entity on OFAC's SDN list, and that these individuals and entity are no longer subject to the blocking provisions of Section 1(a) of E.O. 13288, as amended by E.O. 13469, and Section 1(a) of E.O. 13991.

1. ORYX NATURAL RESOURCES (a.k.a. ORYX DIAMONDS; a.k.a. ORYX DIAMONDS (PTY) LTD; a.k.a. ORYX DIAMONDS LTD.; a.k.a. ORYX ZIMCON (PVT) LIMITED), S Drive, George Town, Grand Cayman, Cayman Islands; Bank of Nova Scotia Bldg., Fourth Floor, George Town, Grand Cayman, Cayman Islands; 3, Victor Darcy Close, Borrowdale, Harare, Zimbabwe; Parc Nicol Offices, Bldg. 6, 301, William Nicol Drive, Bryanston, Gauteng 2021, South Africa; Alexander Forbes Building, Windhoek, Namibia; Bermuda [ZIMBABWE].
2. NKOMO, Louise S. (a.k.a. NHEMA, Louise Sehulle), 3 Farthinghill Road, Borrowdale, Harare, Zimbabwe; DOB 25 Aug 1964; Passport ZE151361 (Zimbabwe); Spouse of Francis Nhema (individual) [ZIMBABWE].
3. SEKERAMAYI, Lovemore; Chief Elections Officer (individual) [ZIMBABWE].
4. SHAMUYARIRA, Nathan Marwirakuwa; DOB 29 Sep 1928; Passport AD000468 (Zimbabwe); Politburo Secretary for Information and Publicity (individual) [ZIMBABWE].

Dated: September 3, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–22638 Filed 9–8–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of Amendment of System of Records Notice ''Purchase Credit Card Program—VA'' (131VA047).

SUMMARY: As required by the Privacy Act of 1974 (5 U.S.C. 552a(e)(4), (11)), notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records entitled ''Purchase Credit Card Program—VA'' record retention and disposal instructions. VA is republishing the system of records notice in its entirety.

DATES: This amended system of record will be effective September 9, 2015.

FOR FURTHER INFORMATION CONTACT: Ronald Hallameyer, Office of Financial Policy (047G), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, Telephone: (202) 461–6486 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department is proposing to amend its system of records entitled ''Purchase Credit Card Program—VA'' by updating the ''Retention and Disposal'' instructions. Retention and disposal language is amended to reflect a recent change to the National Archives and Records Administration's General Records Schedule and to clarify when VA will destroy associated documents.

''Records are maintained and disposed of in accordance with records disposition authority approved by the Archivist of the United States. In accordance with General Records Schedule 1.1, Item #10, destroy 6 years after final payment or cancellation, but longer retention is authorized if required for business use.''

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Nabors II, Chief of Staff, approved this document on August 18, 2015, for publication.

Dated: September 1, 2015.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

Notice of Amendment to System of Records

The system of records identified as ''Purchase Credit Card Program—VA (131VA 047)'', published at 70 FR 7320, February 11, 2005 and amended at 74 FR 14618, March, 31, 2009, is revised to

update the Retention and Disposal Instructions as follows:

131VA047

SYSTEM NAME: PURCHASE CREDIT CARD PROGRAM—VA

* * * * *

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with records disposition authority approved by the Archivist of the United States. In accordance with General Records Schedule 1.1, Item #10, destroy 6 years after final payment or cancellation, but longer retention is authorized if required for business use.

* * * * *

[FR Doc. 2015–22620 Filed 9–8–15;8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Report of Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) provides notice that it intends to conduct a recurring computer-matching program matching Social Security Administration (SSA) income data from the Earnings Recording and Self-Employment Income System (also referred to as the Master Earnings File (MEF)) with VA pension, compensation, and parents' dependency and indemnity compensation records. The purpose of this match is to identify applicants and beneficiaries who have applied for or who are receiving VA benefits and received earned income, and to adjust or terminate VA benefits, if appropriate.

DATES: The match will start no sooner than 30 days after publication of this notice in the **Federal Register** (FR), or 40 days after copies of this Notice and the agreement of the parties are submitted to Congress and the Office of Management and Budget (OMB), whichever is later, and end not more than 18 months after the agreement is properly implemented by the parties. The involved agencies' Data Integrity Boards (DIB) may extend this match for 12 months provided the agencies certify to their DIBs, within three months of the ending date of the original match, that the matching program will be conducted without change and that the matching program has been conducted in compliance with the original matching program.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov;* by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Copeland, Pension Analyst, Pension and Fiduciary Service (21PF), Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420, (202) 632–8863.

SUPPLEMENTARY INFORMATION: VA plans to match records of applicants and beneficiaries, including veterans and survivors, and their eligible dependent(s), who have applied for or who are receiving needs-based VA benefits, with earned income information maintained by SSA. VA will also match records of veterans, who have applied for or who are receiving disability compensation at the 100 percent rate based on unemployability, with SSA earned income information. VA will use this information to verify income information submitted by beneficiaries and adjust VA benefit payments as prescribed by law. The proposed matching program will enable VA to ensure accurate reporting of income and employment status.

The legal authority to conduct this match is 38 U.S.C. 5106, which requires any Federal department or agency to provide VA such information as VA requests for the purposes of determining eligibility for benefits or verifying other information concerning to payment of benefits. In addition, 26 U.S.C. 6103(l)(7) authorizes the disclosure of tax return information to VA.

VA records involved in the match are in ''Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA (58VA21/22/28),'' a system of records which was first published at 41 FR 9294 (March 3, 1976), amended and republished in its entirety at 77 FR 42593 (July 19, 2012). The SSA records are from the system of records identified as the Earnings Recording and Self-Employment Income System (MEF), 60–0059, published at 71 FR 1819 (January 11, 2006).

In accordance with the Privacy Act, 5 U.S.C. 552a(o)(2) and (r), copies of the agreement are being sent to both Houses of Congress and to OMB. This notice is provided in accordance with provisions of Privacy Act of 1974 as amended by Public Law 100–503.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Nabors II, Chief of Staff, approved this document on August 27, 2015, for publication.

Dated: September 1, 2015.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–22622 Filed 9–8–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs.

ACTION: Notice to Delete System of Records.

SUMMARY: The Department of Veterans Affairs (VA) is deleting a system of records entitled ''Center for Acquisition and Materiel Management Education Online (CAMEO)—VA'' (111VA95E), which was established at 66 FR 43043, dated August 16, 2001. The purpose of CAMEO was to collect and maintain training and education data for VA's acquisition and material management work force. The system is now obsolete, and civilian agencies are required, as mandated by OMB, to use the Federal Acquisition Institute Training Application System (FAITAS) as their acquisition workforce system of records. FAITAS is owned and managed by GSA.

DATES: *Effective Date:* September 9, 2015.

FOR FURTHER INFORMATION CONTACT: Gerard (Jay) Boller, Director, Acquisition Systems Integration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, Telephone: (202) 632–6505 (this is not a toll-free number).

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Nabors II, Chief of Staff, approved this document on August 24, 2015, for publication.

Dated: September 1, 2015.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–22621 Filed 9–8–15; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of the Treasury

Internal Revenue Service

26 CFR Parts 1 and 54
Determination of Minimum Required Pension Contributions; Final Rule

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 54

[TD 9732]

RIN 1545–BH71

Determination of Minimum Required Pension Contributions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations providing guidance on the determination of minimum required contributions for single-employer defined benefit pension plans. In addition, this document contains final regulations regarding the excise tax for failure to satisfy the minimum funding requirements for defined benefit pension plans. These regulations affect sponsors, administrators, participants, and beneficiaries of defined benefit pension plans.

DATES: *Effective Date:* These regulations are effective on September 9, 2015.

Applicability Date: These regulations apply to plan years beginning on or after January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Michael P. Brewer or Linda S.F. Marshall at (202) 317–6700 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains final Income Tax Regulations (26 CFR part 1) under sections 430(a), 430(c), 430(e), 430(f), 430(h), 430(j) and 436, as added to the Internal Revenue Code (Code) by the Pension Protection Act of 2006 (PPA '06), Public Law 109–280 (120 Stat. 780 (2006)), and amended by the Worker, Retiree, and Employer Recovery Act of 2008 (WRERA), Public Law 110–458 (122 Stat. 5092 (2008)), the Moving Ahead for Progress in the 21st Century Act of 2012 (MAP–21), Public Law 112–141 (126 Stat. 405 (2012)), and the Highway and Transportation Funding Act of 2014 (HATFA), Public Law 113–159 (128 Stat. 1839 (2014)).[1] In addition, this document contains final Excise Tax Regulations (26 CFR part 54) under section 4971 applicable to both single-employer and multiemployer defined benefit plans.

Section 412 provides minimum funding requirements that generally apply for pension plans (including both defined benefit pension plans and money purchase pension plans). PPA '06 made extensive changes to those minimum funding requirements that generally apply for plan years beginning on or after January 1, 2008. Section 430, which was added by PPA '06, specifies the minimum funding requirements that apply to single-employer defined benefit pension plans (including multiple employer plans) pursuant to section 412. Section 430 does not apply to multiemployer plans within the meaning of section 414(f) or CSEC plans within the meaning of section 414(y).[2]

Section 302 of the Employee Retirement Income Security Act of 1974, as amended (ERISA), sets forth funding rules that are parallel to those in section 412 of the Code, and section 303 of ERISA sets forth additional funding rules for single-employer plans that are parallel to those in section 430 of the Code. Under section 101 of Reorganization Plan No. 4 of 1978 (92 Stat. 3790) and section 3002 of ERISA, the Secretary of the Treasury has interpretive jurisdiction over the subject matter addressed in these regulations for purposes of ERISA, as well as the Code. Thus, the Treasury regulations issued under section 430 of the Code apply as well for purposes of section 303 of ERISA.

If the value of plan assets (less the sum of the plan's prefunding balance and funding standard carryover balance) is less than the funding target, section 430(a)(1) defines the minimum required contribution as the sum of the plan's target normal cost and the shortfall and waiver amortization charges for the plan year. If the value of plan assets (less the sum of the plan's prefunding balance and funding standard carryover balance) equals or exceeds the funding target, section 430(a)(2) defines the minimum required contribution as the plan's target normal cost for the plan year reduced (but not below zero) by the amount of the excess.

Section 430(c)(1) provides that the shortfall amortization charge is the total (not less than zero) of the shortfall amortization installments for the plan year with respect to any shortfall amortization base that has not been fully amortized. Section 430(c)(2)(A) provides that the shortfall amortization installments with respect to a shortfall amortization base established for a plan year are the amounts necessary to amortize the shortfall amortization base in level annual installments over the 7-plan-year period beginning with that plan year.

Section 430(c)(3) provides that a shortfall amortization base is determined for a plan year based on the plan's funding shortfall for the plan year. Under section 430(c)(4), the funding shortfall is generally the amount (if any) by which the plan's funding target for the year exceeds the value of the plan's assets (as reduced by the funding standard carryover balance and prefunding balance under section 430(f)(4)(B)). The shortfall amortization base for a plan year is the plan's funding shortfall, minus the present value of future amortization installments.

Under section 430(c)(5), a shortfall amortization base is not established for a plan year if the value of a plan's assets is at least equal to the plan's funding target for the plan year. For this purpose, the prefunding balance is subtracted from the value of plan assets, but only if an election to use that prefunding balance to offset the minimum required contribution is in effect for the plan year.

Under section 430(c)(6), if a plan's funding shortfall for a plan year is zero, any shortfall amortization bases and waiver amortization bases established for preceding plan years (and any associated shortfall amortization installments and waiver amortization installments) are eliminated.

Under section 430(e), the waiver amortization charge for a plan year is the total of the waiver amortization installments for the plan year with respect to any waiver amortization bases established for the 5 preceding plan years. Under section 430(e)(2), the waiver amortization installments with respect to a waiver amortization base established for a plan year (the amount of the waived funding deficiency for the plan year) are the amounts necessary to amortize the waiver amortization base in level annual installments over the 5-plan-year period beginning with the succeeding plan year.

Under section 430(f)(3), the prefunding balance and the funding standard carryover balance (collectively referred to as funding balances) are

[1] The Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 (PRA 2010), Public Law 111–192 (124 Stat. 1280 (2010)), added section 430(c)(3)(D) and section 430(c)(7) and made changes to certain provisions of PPA '06 to provide temporary relief with respect to the minimum funding requirements and related benefit restrictions under section 436. This document generally does not provide guidance regarding those changes. Guidance regarding the changes made by PRA 2010 was issued in Notice 2011–3 (2011–2 IRB 263).

[2] Rules regarding CSEC plans were added by the Cooperative and Small Employer Charity Pension Flexibility Act of 2014 (CSEC Act), Public Law 113–97 (128 Stat. 1137), enacted April 7, 2014, and amended by Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113–235 (128 Stat. 2130), enacted December 16, 2014. A CSEC plan is defined in section 414(y). In general, CSEC plans are certain plans maintained by groups of cooperatives and related organizations or groups of charitable organizations.

permitted to be used to reduce the otherwise applicable minimum required contribution for a plan year in certain situations. Under section 430(f)(6), the prefunding balance is based on the accumulation of the contributions (other than contributions made under section 436(f) to avoid benefit restrictions) that an employer has made for preceding plan years that exceeded the minimum required contribution for those years. Under section 430(f)(7), the funding standard carryover balance generally is based on the funding standard account credit balance as determined under section 412 for a plan as of the last day of the last plan year beginning in 2007.

Section 430(h)(2) specifies the interest rates that must be used in determining a plan's target normal cost and funding target. Under section 430(h)(2)(B), in general, present value is determined using three interest rates (segment rates) for the applicable month, each of which applies to benefit payments expected to be paid during a certain period.[3] Prior to amendments made by HATFA, section 430(h)(2)(B)(i) provided that the first segment rate applies to benefits reasonably determined to be payable during the 5-year period beginning on the first day of the plan year. The second segment rate applies to benefits reasonably determined to be payable during the 15-year period following the initial 5-year period. The third segment rate applies to benefits reasonably determined to be payable after the end of that 15-year period.

Section 2003(d)(1) of HATFA amended section 430(h)(2)(B)(i) to provide that the first segment rate applies to benefits reasonably determined to be payable during the 5-year period beginning on the valuation date for the plan year. Pursuant to section 2003(e) of HATFA, this change is required to be applied for plan years beginning on or after January 1, 2014.

Under section 430(j), as under pre-PPA '06 law, the due date for the payment of any minimum required contribution for a plan year is 8½ months after the end of the plan year. Any payment made on a date other than the valuation date for the plan year must be adjusted for interest accruing at the plan's effective interest rate under section 430(h)(2)(A) for the plan year for the period between the valuation date and the payment date. Pursuant to section 430(g)(2), the valuation date for a plan year must be the first day of the plan year, except in the case of a small plan described in section 430(g)(2)(B).

Under section 430(j)(3), if the plan had a funding shortfall for the preceding plan year, then the plan sponsor must pay certain quarterly installments toward the required minimum contribution for the plan year. Each quarterly installment is 25 percent of the required annual payment. The required annual payment is equal to the lesser of 90 percent of the minimum required contribution under section 430 for the plan year or 100 percent of the minimum required contribution under section 430 (determined without regard to any funding waiver under section 412(c)) for the preceding plan year. If a quarterly installment is made after the due date for that installment, then the interest rate that applies for the period of underpayment is the plan's effective interest rate plus 5 percentage points.[4] The requirements regarding quarterly installments are similar to the requirements that formerly applied under section 412(m) as in effect before amendments made by PPA '06.[5]

A plan sponsor that is required under section 430(j)(3) to pay quarterly installments to a plan (other than a small plan described in section 430(g)(2)(B)) for a plan year must make quarterly installments of liquid assets that are sufficient to ensure that a minimum level of liquid assets is available to pay benefits. Generally, this minimum level of liquid assets is the amount of liquid assets needed to pay for three years of disbursements. A plan sponsor that fails to satisfy this liquidity requirement is treated as failing to make the required quarterly installment, and pursuant to section 206(e) of ERISA, the plan is required to cease making certain types of accelerated payments that are described in section 401(a)(32)(B) of the Code. Under section 430(j)(4)(C), the period of underpayment continues until the close of the quarter in which the due date of the installment occurs. These liquidity requirements are substantially similar to the requirements that formerly applied under section 412(m)(5), as in effect before amendments made by PPA '06.

Section 4971(a) imposes an excise tax on the employer for a failure to meet applicable minimum funding requirements. In the case of a single-employer plan (other than a CSEC plan), the tax is 10 percent of the aggregate unpaid minimum required contributions for all plan years remaining unpaid as of the end of any plan year ending with or within a taxable year. In the case of a multiemployer plan, the tax is 5 percent of the accumulated funding deficiency as of the end of any plan year ending with or within the taxable year. In the case of a CSEC plan, the tax is 10 percent of the CSEC accumulated funding deficiency. Section 4971(b) provides an additional excise tax that applies if the applicable minimum funding requirements remain unsatisfied for a specified period. Section 4971(c) provides definitions that apply for purposes of section 4971, including a definition of unpaid minimum required contribution (which is based on the new section 430 rules for determining the minimum required contribution for a year). Section 4971(f)(1) imposes a tax of 10 percent of the amount of the liquidity shortfall for a quarter that is not paid by the due date for the installment for that quarter. Section 4971(f)(2) provides an additional excise tax that applies if a plan has a liquidity shortfall as of the close of 5 consecutive quarters.

Final regulations (TD 9467) under sections 430 and 436 were published in the **Federal Register** (74 FR 53004) on October 15, 2009 (the October 2009 final regulations). Those final regulations address issues under sections 430(b), 430(d), 430(f), 430(g), 430(h), 430(i), and 436.

These regulations finalize proposed regulations under sections 430 and 4971 that were published on April 15, 2008 (REG–108508–08, 73 FR 20203). The proposed regulations under section 430, addressing issues that were not addressed in the October 2009 final regulations, were proposed to apply generally to plan years beginning on or after January 1, 2009. The preamble to the proposed regulations and Notice 2008–21 (2008–1 CB 431) provided guidance on standards for applying section 430 for plan years beginning during 2008.

The proposed regulations under section 4971 generally were proposed to apply at the same time the statutory changes to section 4971 under PPA '06 become effective, but would not apply to any taxable years ending before the date the proposed regulations were published (April 15, 2008). In the case of a plan to which a delayed effective date applies pursuant to sections 104 through 106 of PPA '06, the proposed

[3] Section 430(h)(2)(D)(ii) provides an alternative to the use of the three segment rates, under which the corporate bond yield curve (determined without regard to the 24-month average) is substituted for the segment rates.

[4] Additional potential consequences of late quarterly contributions are found in section 430(k) of the Code (regarding the imposition of a lien) and sections 101(d) and 4043 of ERISA (regarding notice to participants and beneficiaries and to the Pension Benefit Guaranty Corporation).

[5] Guidance regarding quarterly contribution requirements under former section 412(m) was issued in Notice 89–52 (1989–1 CB 692), and guidance regarding the liquidity requirements under former section 412(m)(5) was issued in Revenue Ruling 95–31 (1995–1 CB 76).

regulations provided that the amendments made to section 4971 apply to the same taxable years, but only with respect to plan years for which section 430 applies to the plan.

Comments were received regarding the proposed regulations, and a public hearing was held on August 4, 2008. These final regulations are generally similar to the proposed regulations, but a number of changes were made in response to comments received. In addition, the final regulations reflect certain changes made by WRERA, the CSEC Act, and HATFA. The final regulations also provide the IRS with flexibility to extend certain regulatory deadlines.

Explanation of Provisions

I. Overview

These regulations finalize the rules proposed in REG–108508–08 (published April 15, 2008), providing guidance regarding the minimum required contribution rules that apply to sponsors of single-employer defined benefit plans under section 430 and the related excise tax rules of section 4971. These regulations also make changes to § 1.430(f)–1 (relating to elections with respect to a plan's prefunding balance and funding standard carryover balance), § 1.430(h)(2)–1 (relating to interest rates) and § 1.436–1 (relating to benefit restrictions).

II. Section 1.430(a)–1 Determination of Minimum Required Contribution

Section 1.430(a)–1 provides rules under section 430(a) for determining the minimum required contribution for a plan year for a single-employer defined benefit plan (including a multiple employer plan under section 413(c)) subject to section 430. The determination of the amount of the minimum required contribution for a plan year depends on whether the value of plan assets, as reduced to reflect certain funding balances pursuant to section 430(f)(4)(B) (but not below zero), is less than or at least equal to the plan's funding target for the plan year. If this value of plan assets is less than the funding target for the plan year, the minimum required contribution for that plan year is equal to the sum of the plan's target normal cost for the plan year plus any applicable shortfall amortization installments and waiver amortization installments. If this value of plan assets equals or exceeds the funding target for the plan year, the minimum required contribution for that plan year is equal to the target normal cost of the plan for the plan year reduced (but not below zero) by any such excess.

The regulations provide that the shortfall amortization installments with respect to a shortfall amortization base established for a plan year generally are the annual amounts necessary to amortize that shortfall amortization base in level annual installments over the 7-year period beginning with that plan year. As provided in § 1.430(h)(2)–1(f)(2), these installments are determined assuming that the installments are paid on the valuation date for each plan year and using the interest rates applicable under section 430(h)(2)(C) or (D). The shortfall amortization installments are determined using the interest rates that apply for the plan year for which the shortfall amortization base is established and are not redetermined in subsequent plan years to reflect changes in interest rates under section 430(h)(2) for those subsequent plan years. The regulations also provide that shortfall amortization installments are not redetermined even if the valuation date for a plan changes after the plan year for which the shortfall amortization base was established. In such a case, the dates on which the installments are assumed to be paid are changed to the anniversaries of the new valuation date, and the difference in present value attributable to this change is reflected in any new shortfall amortization base.

Under the regulations, in general, a shortfall amortization base is established for a plan year only if the value of plan assets (reduced, but not below zero, by the prefunding balance if an election is made to use any portion of the prefunding balance to offset the minimum required contribution for the plan year) is less than the funding target for the plan year. This shortfall amortization base (which can be either positive or negative) is equal to the funding shortfall for the plan year, minus the sum of the present values of any remaining shortfall amortization installments and waiver amortization installments (determined in accordance with § 1.430(h)(2)–1(f)(2) using the interest rates that apply for the current plan year rather than the amortization rates that were applied when the amortization installments were determined). For this purpose, the funding shortfall for any plan year is the excess (if any) of the funding target for the plan year over the value of plan assets for the plan year (as reduced to reflect the subtraction of the funding standard carryover balance and prefunding balance to the extent provided under § 1.430(f)–1(c)).

Commenters noted that the special rule of section 430(c)(5) can produce anomalous results in certain cases where the prefunding balance is greater than the excess of the plan assets (without reduction for such balance) over the funding target. One case in which this occurs is for a plan with no funding standard carryover balance and actuarial gains that would have caused the shortfall amortization base (and related shortfall amortization installments) to be negative. In such a case, if a small portion of the prefunding balance is used to offset the minimum required contribution, then it is possible that the minimum required contribution would be reduced by even more than the amount so used.

Another case raised by commenters—with results that are not only anomalous but also potentially circular—is a situation in which a plan has a funding standard carryover balance and the plan sponsor's election to use a portion of the prefunding balance (in addition to using the funding standard carryover balance) to offset the minimum required contribution would result in the establishment of a negative shortfall amortization base and a minimum required contribution that is smaller than the funding standard carryover balance. As a result, none of the prefunding balance can be used to offset the minimum required contribution (because no prefunding balance can be used to offset the minimum required contribution as long as the plan has a funding standard carryover balance), and the minimum required contribution must be recalculated. This results in the recalculated minimum required contribution being large enough that some of the prefunding balance would be needed to fully offset that minimum required contribution, and the first calculation would once again apply.

After consideration of these comments, the IRS and the Treasury Department have concluded that the statutory provisions require this result in these limited factual situations. However, a plan sponsor can avoid the circular results by electing to reduce the funding standard carryover balance to an amount that is too small to offset the entire minimum required contribution. After that reduction, in order to offset the entire minimum required contribution, the plan sponsor must use the full remaining funding standard carryover balance plus at least some portion of the prefunding balance. The regulations include an example of a plan sponsor reducing the funding standard carryover balance in order to avoid the circularity (*Example 10* of § 1.430(a)–1(g)).

The proposed regulations did not count contributions under section 436(b)(2), (c)(2), and (e)(2) either toward minimum required contributions for the current year or as included in plan assets for that year. Commenters suggested that any contribution under section 436(b)(2), (c)(2), or (e)(2) should be reflected in plan assets for purposes of section 430 if the corresponding increase in funding target is required to be reflected. This would have the effect of reducing the funding shortfall for the plan year. However, under sections 436(b)(2), (c)(2), and (e)(2), these contributions are characterized as ''in addition to any minimum required contribution under section 430.'' The final regulations adopt the rule as proposed because it reflects this requirement of the statute. This rule is also consistent with section 430(f)(6)(B)(iii), which excludes section 436 contributions from the amount that may be added to the plan's prefunding balance. The final regulations do not include any special rule that would reduce the funding shortfall for a plan year to take into account section 436 contributions for the plan year (by either including section 436 contributions in plan assets or modifying the definition of funding shortfall). Any such section 436 contributions will be part of plan assets when measured for the following plan year and, accordingly, will reduce any positive shortfall amortization base (or increase any negative shortfall amortization base) that would otherwise be established for that following year.

Under the regulations, the waiver amortization installments with respect to a waiver amortization base established for a plan year are the annual amounts necessary to amortize that waiver amortization base in level annual installments over the 5-year period beginning with the following plan year. As provided in § 1.430(h)(2)–1(f)(2), these installments are determined assuming that the installments are paid on the valuation date for each plan year and using the interest rates applicable under section 430(h)(2). Thus, if a plan uses the segment rates, the installments are determined by applying the first segment rate to the first four installments and the second segment rate to the fifth (and final) installment. The waiver amortization installments established with respect to a waiver amortization base are determined using the interest rates that apply for the plan year for which the waiver is granted (even though the first installment with respect to the waiver amortization base is not due until the subsequent plan year) and are not redetermined in subsequent plan years to reflect changes in interest rates under section 430(h)(2) for those subsequent plan years.

The regulations provide rules for determining the amount of a minimum required contribution for a short plan year. Under the regulations, the amortization installments are prorated for a short plan year. The regulations do not provide for any proration of the target normal cost. Instead, the determination of target normal cost must reflect benefits that accrue or are expected to accrue during the short plan year.[6] The regulations also provide rules for the treatment of amortization installments in subsequent plan years to take into account the proration of these installments for short plan years and to clarify the treatment of these installments in the event of a change in valuation date.

In light of the rules in the proposed regulations for determining the amount of a minimum required contribution for a short plan year (which would normally be followed by another plan year with its own minimum required contribution), questions have arisen about how to determine the minimum required contribution for a plan year if the plan terminates before the last day of the year. Under Revenue Ruling 79–237 (1979–2 CB 190) (see 26 CFR 601.601(d)(2)(ii)(*b*)), the minimum funding requirements apply for the year that a plan terminates but not for later years. These regulations clarify that the rules for short plan years apply for the year of termination by specifying that if a plan terminates before the last day of a plan year, then, for purposes of section 430, the plan is treated as having a short plan year that ends on the termination date. As a result, the minimum required contribution for such a plan is determined based on that short plan year. If a plan terminates before the date that would otherwise have been the valuation date for a plan year, then the valuation date for the plan year must be changed so that it falls within the short plan year.

The rules for terminated plans include a definition of termination date that is consistent with the 1982 proposed regulations under § 1.412(b)–4(d)(1) and Revenue Ruling 89–87 (1989–2 CB 2) (see 26 CFR 601.601(d)(2)(ii)(*b*)). These final regulations provide that, in the case of a plan subject to Title IV of ERISA, the termination date is the plan's termination date established under section 4048(a) of ERISA.

[6] See 29 CFR 2530.204–2(e) for rules relating to changes in accrual computation periods.

In the case of a plan not subject to Title IV of ERISA, the regulations provide that the termination date is the plan's termination date established by the plan administrator, provided that the termination date may be no earlier than the date on which all actions necessary to effect the plan termination (other than the distribution of plan assets) are taken. However, a plan is not treated as terminated on that date if the plan assets are not distributed as soon as administratively feasible after that date. Whether plan assets are distributed as soon as administratively feasible is determined based on all the relevant facts and circumstances. A distribution of plan assets that was delayed merely for the purpose of obtaining a higher value than current market value is generally not deemed to have been made as soon as administratively feasible. Additionally, if the plan assets are not distributed within one year following the plan's termination date established by the plan administrator, the distribution is presumed not to have been made as soon as administratively feasible. However, a plan is not treated as failing to meet the requirement to make distributions of plan assets as soon as administratively feasible after that date to the extent that a delay in distributing plan assets is attributable to either: (1) Circumstances beyond the control of the plan administrator; or (2) the period of time necessary to obtain a determination letter from the Commissioner on the plan's qualified status upon its termination, provided that the request for a determination letter is timely and the distributions of plan assets are made as soon as administratively feasible after the letter is obtained.

III. Section 1.430(h)(2)–1 Interest Rates Used To Determine Present Value

The regulations update the 2009 regulations to reflect the modification under HATFA to the 5-year period for which the first segment rate applies. In accordance with section 430(h)(2)(C)(i) prior to its amendment by HATFA, § 1.430(h)(2)–1(b)(2)(i) provided that, for a plan with a valuation date that is the first day of the plan year, the first segment rate was used to determine present value of benefits expected to be payable during the 5-year period beginning on the first day of the plan year. Section 1.430(h)(2)–1(b)(2)(ii), labeled ''Plans with valuation dates other than the first day of the plan year,'' was reserved. The preamble to the 2009 regulations notes that the IRS and the Treasury Department continue to believe that applying the first segment rate to benefits that are

expected to be payable during the 5-year period beginning on the valuation date is the best method of valuing assets and liabilities as of the valuation date. Because section 430(h)(2)(C)(i) was then inconsistent with that interpretation and it was anticipated that a technical correction might later adopt that approach, the 2009 regulations reserved the issue of guidance on the interest rates to be used by plans with valuation dates other than the first day of the plan year.

This anticipated technical correction was made in section 2003(d) of HATFA, and the regulations reflect this technical correction. Under the regulations, in general, the first segment rate is used to determine the present value of benefits expected to be payable during the 5-year period beginning on the valuation date for the plan year. However, with respect to a plan year beginning before January 1, 2014, for a plan with a valuation date other than the first day of the plan year, the 5-year period beginning on the first day of the plan year is permitted to be used in lieu of the 5-year period beginning on the valuation date. Thus, taxpayers must follow the statute as amended for this technical correction for plan years beginning on or after January 1, 2014, and are permitted to apply this technical correction for earlier years as well.

IV. Section 1.430(j)–1 Payment of Minimum Required Contributions

A. Payment of Minimum Required Contribution

The regulations under section 430(j) provide rules related to the payment of minimum required contributions, including rules for the payment of quarterly contributions, liquidity requirements, and determining the plan year to which a contribution applies. Under these rules, if the plan has unpaid minimum required contributions that have not yet been corrected at the time a contribution is made, then the contribution is treated as a contribution for the earliest plan year for which there is an unpaid minimum required contribution to the extent necessary to correct that unpaid minimum required contribution.

Any amount of the contribution in excess of the amount needed to correct that unpaid minimum required contribution is treated as a contribution for the next earliest plan year for which there is an unpaid minimum required contribution that has not yet been corrected to the extent necessary to correct that unpaid minimum required contribution. This allocation to the earliest year with unpaid minimum required contributions is automatic and must be shown on the actuarial report (Schedule SB, ''Single-Employer Defined Benefit Plan Actuarial Information'' of Form 5500, ''Annual Return/Report of Employee Benefit Plan'') for the earliest plan year for which a timely contribution could be allocated.

The regulations further provide that if the plan has no unpaid minimum required contributions for prior plan years at the time the contribution is made, or a portion of the contribution corrects all unpaid minimum required contributions, then the contribution (or the remainder of the contribution which is not used to correct an unpaid minimum required contribution) made during the current plan year but before the deadline for contributions for a prior plan year may be designated as a contribution for either that prior plan year or the current plan year. This designation is established by the completion (and filing, if required) of the actuarial report (Schedule SB, ''Single-Employer Defined Benefit Plan Actuarial Information'' of Form 5500, ''Annual Return/Report of Employee Benefit Plan'') for the plan year for which the contribution is designated, and this designation cannot be changed after the actuarial report is completed (and filed, if required) except as provided in guidance published in the Internal Revenue Bulletin. The regulations provide that any payment of the minimum required contribution under section 430 for a plan year that is made on a date other than the valuation date for that plan year is adjusted for interest for the period between the valuation date and the payment date, generally using the effective interest rate for the plan for that plan year determined pursuant to § 1.430(h)(2)–1(f)(1). The direction of the adjustment depends on whether the contribution is paid before or after the valuation date for the plan year. If the contribution is paid after the valuation date for the plan year, the contribution is discounted to the valuation date. If the contribution is paid before the valuation date for the plan year (which could only occur in the case of a small plan described in section 430(g)(2)(B)), the contribution is increased for interest to the valuation date.

Under the regulations, a payment of the minimum required contribution under section 430 for a plan year can be made no earlier than the first day of the plan year. The deadline for any payment of any minimum required contribution for a plan year is 8½ months after the close of the plan year. If any portion of a minimum required contribution is not paid by this deadline, an excise tax applies under section 4971.

B. Requirement for Quarterly Contributions

The regulations provide rules for accelerated quarterly contributions for plans with funding shortfalls. These rules are similar to the rules provided under Notice 89–52 (1989–1 CB 692) (see 26 CFR 601.601(d)(2)(ii)(*b*)), but have been updated to reflect statutory changes. These statutory changes include changes regarding which plans are subject to the quarterly contribution requirements as well as the interest rates applicable to missed quarterly contributions.

Under the regulations, in any case in which a plan has a funding shortfall for the preceding plan year, the employer maintaining the plan must make required quarterly installments for the current plan year. The amount of each required quarterly installment is equal to 25 percent of the required annual payment. For this purpose, the required annual payment is equal to the lesser of 90 percent of the minimum required contribution under section 430(a) for the plan year or 100 percent of the minimum required contribution under section 430(a) (determined without regard to any funding waiver under section 412) for the preceding plan year. These minimum required contributions are determined under section 430 as of the valuation date for each year and are not adjusted for interest. The regulations provide that, for purposes of determining the required annual payment, the minimum required contribution for a plan year is determined without reflecting the use of the prefunding balance or funding standard carryover balance to offset the minimum required contribution for either the current year or the prior year and without regard to any installment acceleration amount under section 430(c)(7).

Pursuant to section 430(j)(3)(C), the regulations provide that the due dates for the four required quarterly installments with respect to a full plan year are as follows: The first installment is due on the 15th day of the 4th plan month, the second installment is due on the 15th day of the 7th plan month, the third installment is due on the 15th day of the 10th plan month, and the fourth installment is due on the 15th day following the end of the plan year. In the case of a short plan year, the regulations provide rules for determining the amount of the required quarterly installments and the due dates

for those installments.[7] The regulations also provide rules for determining the amount of the required quarterly installments if the prior plan year was a short plan year and rules for determining the plan month in the case of a plan year that does not begin on the first day of a calendar month.

As was the case in Notice 89–52, the regulations provide that a plan sponsor generally can use a plan's funding balances to satisfy quarterly contribution requirements. However, this rule is subject to the limitation on the use of funding balances by underfunded plans pursuant to section 430(f)(3)(C). Consistent with the approach taken in Notice 89–52, a contribution for a prior plan year in excess of the required minimum contribution must actually have been made and the plan sponsor's election to add the excess to the prefunding balance must have taken effect before a plan can elect to use the corresponding portion of the prefunding balance to satisfy the quarterly contribution requirements. A plan sponsor's election to use the plan's funding balances under section 430(f) satisfies the requirement to pay an installment on the date of the election, to the extent of the amount elected, as adjusted with interest at the plan's effective interest rate under section 430(h)(2)(A) for the plan year from the election date through the due date of the installment. The amount of a plan's funding balances available for such an election is increased with interest from the beginning of the plan year to the date of the election. The net effect of these two adjustments is an increase in the plan's funding balances from the beginning of the plan year to the due date of the installment.

A plan sponsor that elects to use the plan's prefunding balance or funding standard carryover balance toward satisfaction of the plan's quarterly contribution requirement before the plan's effective interest rate for the plan year has been determined should assume, in order to ensure that the quarterly contribution requirements are satisfied, that the effective interest rate is equal to the lowest of the three segment rates (generally the first segment rate) to adjust the elected amount. Because the satisfaction of these installments is determined on a cumulative basis, if the use of funding balances is more than enough to satisfy an installment requirement, then the excess is carried forward to use to satisfy later installments.

The preamble to the proposed regulations noted that the proposed rules under section 430(f) would have provided that the amount of the funding balance used to satisfy the quarterly contribution requirements could not later be added back to the prefunding balance. The October 2009 final regulations under section 430(f) provide a different rule. Under those final regulations, to the extent that a contribution is included in the present value of excess contributions solely because the minimum required contribution has been offset by an election to use the funding standard carryover balance or prefunding balance, the contribution is adjusted for investment experience to reflect the actual rate of return on plan assets under the rules of § 1.430(f)–1(b)(3). Thus, to the extent that a quarterly installment is satisfied through the use of a funding balance but the plan sponsor replenishes its funding balances by subsequently making a contribution for the plan year that is added to the prefunding balance, the amount that may be added to the prefunding balance on account of that subsequent contribution is based on the actual rate of return for the plan year.

The proposed regulations would have credited interest on an early election to use a funding balance for purposes of satisfying the quarterly contribution requirement, but would not have credited interest on an early contribution for this purpose. Commenters asked for early contributions to be credited with interest toward quarterly contribution requirements on the same basis as an early election to use a funding balance. The final regulations make this change.

For required installments due after the valuation date, the proposed regulations would have provided that, if the employer fails to pay the full amount of a required installment when due, then the contribution that constitutes a late payment of the required installment for the period of time that begins on the due date for the required installment and that ends on the date of payment is adjusted using the effective interest rate for the plan for that plan year determined pursuant to § 1.430(h)(2)–1(f)(1) plus 5 percentage points. This increased interest rate would not have applied to installments that are due before the valuation date for the plan year because the application of an increased interest rate for such a contribution would not have had the intended effect of increasing the minimum required contribution and section 430(j)(3) did not provide for special rules for valuation dates other than the beginning of the plan year. The proposed regulations included a reserved paragraph for the treatment of quarterly installments that are due before the valuation date. However, the preamble to the proposed regulations described a rule that the IRS and the Treasury Department were considering for inclusion in the final regulations if legislation were enacted authorizing special rules for the application of the quarterly installment requirements for plans with valuation dates other than the first day of the plan year.

Section 101(b)(2)(G)(iii) of WRERA added section 430(j)(3)(E)(iii) which provides authority for special quarterly contribution rules for plans with valuation dates other than the first day of the plan year. Pursuant to this authority, the final regulations provide for any late quarterly installment (and any late election to use the funding balances to satisfy a quarterly installment) to be discounted for interest from the date of the late contribution or election to the due date for the installment using an interest rate equal to the plan's effective interest rate under section 430(h)(2)(A) for the plan year plus 5 percentage points. The discounted amount is then treated as if it were contributed or elected on the due date and further adjusted for interest from the due date to the valuation date. This approach is mathematically equivalent to the approach suggested in the preamble of the proposed regulations if compound interest is used.

C. Standing Election To Satisfy Installments Through Use of Funding Balances

The proposed regulations would have permitted plans to satisfy the requirement to pay quarterly installments with an election to use funding balances. The preamble to those regulations asked for comments on the utility of standing elections with respect to funding balances. Commenters uniformly favored permitting this use of standing elections.

These final regulations include rules for providing a standing election to satisfy quarterly installments. Under these rules, a plan sponsor may provide a standing election in writing to the plan's enrolled actuary to use the funding standard carryover balance and the prefunding balance to satisfy any otherwise unpaid portion of a required installment under section 430(j)(3). The otherwise unpaid portion of a required installment is the amount necessary to satisfy the required installment rules

[7] As described above in section II of this preamble, a plan that terminates before the last day of the plan year is treated as having a short plan year that ends on the termination date. This rule also applies for purposes of the 8½ month deadline described in section III.A of this preamble.

under section 430(j) based on quarterly installment amounts equal to 25 percent of the minimum required contribution under section 430 for the preceding plan year. Under the regulations, if the amount of the prefunding and funding standard carryover balances available is less than the amount needed to satisfy any otherwise unpaid portion of a required installment, then the entire amount available will be used under the standing election. Any election made pursuant to a standing election is deemed to occur on the later of the last date for making the required installment under section 430(j)(3) and the date the standing election is provided to the enrolled actuary.

The regulations provide that, generally, any standing election to use the funding balances to satisfy quarterly installments remains in effect for the plan with respect to the enrolled actuary named in the election, unless the standing election is revoked or the plan's enrolled actuary is changed. However, a plan sponsor may suspend operation of a standing election for the remainder of a plan year by providing written notice to the enrolled actuary. In addition, if the current year's minimum required contribution has been determined by the plan's enrolled actuary, the plan sponsor may replace the standing election for the remainder of the plan year with a formula election to use (to the extent available) the funding balances as necessary so that the remaining required installments satisfy the required installment rules under section 430(j) based on quarterly installment amounts taking into account the determination of the current year's minimum required contribution.

D. Liquidity Shortfalls

The regulations provide rules for the liquidity requirements that generally apply to plans for which quarterly contributions are required. Under the regulations, if a plan sponsor of a plan (other than a small plan described in section 430(g)(2)(B)) is required to pay quarterly installments pursuant to section 430(j)(3), then the plan sponsor is treated as failing to pay the full amount of the required installment for a quarter to the extent that the value of the liquid assets contributed after the end of that quarter and on or before the due date for the installment is less than the liquidity shortfall (as defined in section 430(j)(4)(E)) for that quarter. Thus, in order to satisfy the quarterly contribution requirement for a quarter, liquid assets in the amount of the liquidity shortfall must be contributed after the end of that quarter and on or before the due date for the installment. However, the regulations provide that if the amount of a required installment for a quarter is increased by reason of this rule, this increase generally is limited to the amount which, when added to the current required installment (determined without regard to the increase) and prior required installments for the plan year, is necessary to increase the funding target attainment percentage for the plan year to 100 percent (taking into account the expected increase in the funding target due to benefits accruing or earned during the plan year). The use of funding balances or the contribution of illiquid assets cannot remedy a liquidity shortfall.[8]

The regulations provide that the term liquidity shortfall generally means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which that installment is due) of the base amount with respect to the quarter, over the value (as of the last day of the quarter) of the plan's liquid assets. For this purpose, the regulations provide that the term base amount generally means, with respect to any quarter, an amount equal to three times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter. However, if the generally applicable base amount for a quarter exceeds an amount equal to two times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and the enrolled actuary for the plan certifies to the satisfaction of the Commissioner that such excess is the result of nonrecurring circumstances, the base amount with respect to that quarter is determined without regard to amounts related to those nonrecurring circumstances.

In response to comments, the regulations provide special rules for applying the liquidity requirements to a multiple employer plan to which section 413(c)(4)(A) applies.[9] Under these rules, the liquidity requirement is satisfied for the plan if it would be satisfied if the plan were a single-employer plan that is not a multiple employer plan. However, if the plan does not satisfy the liquidity requirement on this basis, then the liquidity requirement must be applied separately for each employer under the plan, as if each employer maintained a separate plan. In this case, the value of plan assets as of the end of each quarter under a multiple employer plan must be allocated among the employers sponsoring the plan.

The rules under the regulations relating to the liquidity requirements are similar to the rules provided under Revenue Ruling 95–31, but have been updated to reflect statutory changes. For example, the definition of liquid assets under the proposed regulations is the same as the definition of liquid assets under Revenue Ruling 95–31. Unlike Revenue Ruling 95–31, the regulations measure satisfaction of a liquidity shortfall by reference to contributions made after the end of the quarter and by the due date for the installment (while including contributions made during the plan quarter in plan assets). Although this may appear to be a change from the rules of Revenue Ruling 95–31, the two formulations are mathematically identical.

Under section 430(j)(4)(C), any unpaid liquidity amount is treated as unpaid until the close of the quarter in which the due date for that installment occurs. Under the proposed regulations, section 430(j)(4)(C) would have applied only for purposes of applying the additional interest for late quarterly installments, and the unpaid liquidity amount due during a quarter would have been treated as unpaid until a contribution of liquid assets satisfied that requirement, even if the period of underpayment extended beyond the end of the quarter. Some commenters objected to the approach in the proposed regulations and suggested that section 430(j)(4)(C) should be interpreted so that the unpaid liquidity amount is treated as paid at the end of the quarter for all purposes.

After consideration of the comments received, the IRS and the Treasury Department have modified the final regulations to provide that, pursuant to section 430(j)(4)(C), any portion of a required installment for a quarter that is treated as unpaid by reason of the liquidity requirements is treated as unpaid until the close of the quarter in which the due date for the installment occurs (without regard to any contribution of liquid assets that is made after the due date of the required installment). After the close of the quarter in which the due date for such an installment occurs, any portion of the required installment that was treated as

[8] In this context, see Department of Labor Interpretive Bulletin 94–3 (29 CFR 2509.94–3), which sets forth the Department's view that, in the absence of an applicable exemption, a contribution by an employer to a defined benefit pension plan in a form other than cash constitutes a prohibited transaction under section 406 of ERISA and section 4975 of the Code.

[9] The liquidity requirement of section 430(j)(4) does not apply to plans with 100 or fewer participants on each day during the preceding plan year. For this purpose, the determination of the number of participants is made separately for each employer under a multiple employer plan to which section 413(c)(4)(A) applies.

unpaid solely by reason of the liquidity requirements is no longer treated as unpaid (but any portion of the required installment that would be treated as unpaid without regard to the liquidity requirements must be satisfied in accordance with the generally applicable continuing requirement to pay quarterly installments). The requirement to satisfy a liquidity shortfall applies separately with respect to each quarter. In many cases, the failure to contribute sufficient liquid assets to satisfy a liquidity shortfall for a quarter will result in a liquidity shortfall for future quarters until sufficient liquid assets have been contributed to satisfy the liquidity shortfall.

Section 430(j)(3)(A) provides that if the employer fails to pay the full amount of a required installment, the amount of interest charged on the underpayment for the period of underpayment is determined by increasing the rate of interest otherwise used to adjust the contribution to the valuation date under section 430(j)(2) by 5 percentage points. In general, the period of underpayment is the period between the date the installment is due and the date it is paid. However, under section 430(j)(4)(C), any portion of an installment that is treated as not paid by reason of the liquidity requirement continues to be treated as unpaid until the close of the quarter in which the due date for that installment occurs.

Accordingly, the regulations provide that, to the extent that an unpaid liquidity amount is satisfied with a contribution of liquid assets during the quarter in which it is due, the increased rate of interest applies for purposes of discounting a contribution for the period between the last day of the quarter and the due date of the contribution. By contrast, any portion of the required installment that would be due without regard to the liquidity requirement will remain due after the end of the quarter, and the regulations provide for the use of the increased rate of interest for purposes of discounting a contribution that is applied to that portion from the date of actual payment to the due date.

To the extent that a portion of the unpaid liquidity amount is no longer treated as unpaid after the close of the quarter, the regulations provide a special rule to reflect the requirement to use a higher rate of interest on late required installments by converting that requirement into an interest charge that increases the minimum required contribution. This ensures that the amount of the contributions necessary to satisfy the minimum funding requirements reflects the effect of the additional interest required under section 430(j)(2) even if a portion of the unpaid liquidity amount is no longer considered unpaid after the close of the quarter. Otherwise, the sponsor of a plan with an unpaid liquidity amount could avoid an additional interest adjustment by merely deferring making a contribution until after the close of the quarter in which the liquidity amount was due, and would therefore be treated more favorably than a plan sponsor who made a contribution toward the unpaid liquidity amount within that quarter.

Under this special rule, the increase in the minimum required contribution attributable to any unpaid liquidity amount that is no longer treated as unpaid after the close of the quarter is equal to the difference between (1) the amount that is no longer treated as unpaid, discounted for interest from the end of the quarter to the valuation date using the plan's effective interest rate, and (2) the amount that is no longer treated as unpaid, discounted for interest from the end of the quarter to the due date of the required installment using the plan's effective interest rate plus 5 percent, and further discounted for interest from the due date of the installment to the valuation date using the plan's effective interest rate. The regulations include an example illustrating the calculation of the increase in the minimum required contribution due to an unpaid liquidity amount that is no longer treated as unpaid after the close of the quarter in which it is due.

Under the regulations, this increase in the minimum required contribution to reflect an interest adjustment for unpaid liquidity amounts is disregarded when calculating the required annual payment under section 430(j)(3)(D)(ii) (which is used to determine the amount of required quarterly installments).

In addition to the adjustment to reflect the higher interest rate, the regulations identify two further consequences of failing to satisfy the liquidity requirement. Section 206(e) of ERISA and section 401(a)(32) of the Code provide rules regarding the suspension of accelerated distributions for a plan with an unpaid liquidity shortfall. Also, section 4971(f) provides an excise tax with respect to the failure to pay a liquidity shortfall.

The proposed regulations included an ordering rule providing that if an employer makes a contribution of liquid assets that is allocated toward the required installment for a quarter, but the contribution is less than the total amount needed to satisfy the quarterly installment for the quarter, then the contribution would be first attributed toward satisfying the quarterly installment without regard to the liquidity requirement. So that all contributions of liquid assets apply toward satisfaction of the liquidity requirement, the final regulations provide that any contribution of liquid assets for a quarter applies toward satisfying the liquidity requirement (as well as the otherwise applicable quarterly installment).

V. Section 54.4971(c)–1 Taxes on Failure To Meet Minimum Funding Standards

These regulations set forth the definitions that were modified by PPA '06 that apply for purposes of applying the rules of section 4971. These definitions are substantially the same as the definitions in the proposed regulations, but they have been modified to reflect certain changes made by the CSEC Act.

The regulations define the term *accumulated funding deficiency* to have the meaning given to that term by section 431, in the case of a multiemployer plan, or by section 433, in the case of a CSEC plan. A plan's accumulated funding deficiency for a plan year takes into account all charges and credits to the funding standard account under section 412 for plan years before the first plan year for which section 431 or section 433 applies to the plan.

The regulations define the term *unpaid minimum required contribution,* with respect to any plan year, as the portion of the minimum required contribution under section 430 for the plan year for which contributions have not been made on or before the due date for the plan year under section 430(j)(1) (after taking into account interest adjustments and any offsets from use of the funding balances). The regulations provide that a plan's accumulated funding deficiency under section 412 for the pre-effective plan year is treated as an unpaid minimum required contribution for that plan year until correction is made. Unlike the determination of accumulated funding deficiency which applied under section 412 prior to PPA '06, the total amount of unpaid minimum required contributions that is subject to the excise tax under section 4971 is not adjusted with interest. However, as described in the following paragraph, correction of an unpaid minimum required contribution does require a contribution that includes an adjustment for interest.

The regulations define the term *correct* as it applies to an accumulated

funding deficiency or an unpaid minimum required contribution. With respect to an accumulated funding deficiency under a multiemployer plan or a CSEC plan, the regulations adopt the same definition of correct that was proposed to apply to a multiemployer plan. Under the regulations, the correction of an unpaid minimum required contribution under a single-employer plan for a plan year requires the contribution, to or under the plan, of the amount that, when discounted to the valuation date for the plan year for which the unpaid minimum required contribution is due at the appropriate rate of interest, equals or exceeds the unpaid minimum required contribution. For this purpose, the appropriate rate of interest is the plan's effective interest rate for the plan year for which the unpaid minimum required contribution is due except to the extent that the payments are subject to a higher discount rate provided under section 430(j)(3) or (j)(4). With respect to an unpaid minimum required contribution, the regulations provide an ordering rule under which a contribution is attributable first to the earliest plan year of any unpaid minimum required contribution for which correction has not yet been made. With respect to an accumulated funding deficiency under section 412 for the pre-effective plan year that is treated as an unpaid minimum required contribution, the regulations provide that correction requires the contribution, to or under the plan, of the amount of that accumulated funding deficiency adjusted with interest from the end of the pre-effective plan year to the date of the contribution at the plan's valuation interest rate for the pre-effective plan year.

The regulations define the term *single-employer plan* to mean a plan to which the minimum funding requirements of section 412 apply that is not a multiemployer plan as described in section 414(f). Thus, the regulations clarify that the term *single-employer plan* includes a multiple employer plan to which section 413(c) applies.

Section 4971, as amended by PPA '06, imposes an excise tax on unpaid minimum required contributions for all years until corrected. In contrast to the pre-PPA '06 rule (under which an accumulated funding deficiency could be corrected by improvement in the plan's funded status sufficient to trigger a full funding limitation credit), an unpaid minimum required contribution may only be corrected by making the contribution as described under the regulations. Like the proposed regulations, the final regulations apply this rule to unpaid minimum required contributions for all years, without special treatment for pre-PPA '06 funding deficiencies. The final regulations do not reflect comments asking for preservation of the full funding rule with respect to pre-PPA '06 funding deficiencies, because the statute provides the same rules with respect to unpaid contributions for all years.

VI. Authority To Issue Published Guidance With Respect to Certain Generally Applicable Regulatory Deadlines

The regulations contain modifications to § 1.430(f)–1(f)(2) and (f)(3) and adds § 1.436–1(h)(4)(iii)(C)(*9*) to provide the IRS with authority to issue published guidance to extend certain deadlines. These changes accommodate plan sponsor actions in response to retroactive changes in the minimum funding requirements and are the modifications that the IRS indicated were expected to be made in Q&A–G–7 of Notice 2012–61 (which provided guidance regarding MAP–21) and in sections IV and V of Notice 2014–53 (which provided guidance regarding HATFA).

Effective/Applicability Dates of Regulations

Section 430 generally applies to plan years beginning on or after January 1, 2008. Sections 1.430(a)–1 and 1.430(j)–1 and the changes made by this Treasury decision to § 1.430(f)–1 apply generally to plan years beginning on or after January 1, 2016. Plans are permitted to apply these provisions for plan years beginning before 2016 and after 2007. In addition, for plan years beginning before 2016 and after 2007, plans are also permitted to rely on either these final regulations or the proposed regulations published April 15, 2008 that are finalized by this Treasury decision. See also Notice 2008–21 for additional rules with respect to plan years beginning during 2008.

Pursuant to section 114(g) of PPA '06, as added by WRERA, the statutory changes to section 4971 apply to taxable years beginning after 2007, but only with respect to plan years beginning on or after January 1, 2008, which end with or within any such taxable year. Thus, the statutory changes to section 4971 only apply to taxable years that include the last day of a plan year to which section 430 applies to determine the minimum required contribution for the plan.

The amendments to § 54.4971(c)–1 generally apply at the same time the statutory changes to section 4971 under PPA '06 become effective, but do not apply to any taxable years ending before the date the proposed regulations were published (April 15, 2008). Thus, for example, the amendments to § 54.4971(c)–1 do not apply to a short taxable year beginning January 1, 2008 and ending February 29, 2008.

Special Analyses

Certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Therefore, a regulatory impact assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. In addition, it is hereby certified that any collection of information contained in this regulation will not have a significant economic impact on a substantial number of small entities. The certification is based on the fact that § 301.6059–1 currently requires the filing with the IRS of the periodic report of the actuary for a defined benefit plan under section 6059 in accordance with applicable forms, schedules, and accompanying instructions. These regulations make minor changes to this required collection of information, and are not expected to impose an additional burden on small entities. Furthermore, two provisions of these regulations lessen the collection of information imposed on small entitles. Section 1.430(f)–1(f)(1)(iii) permits certain standing elections to use funding balances to satisfy required quarterly installments, thus decreasing the number of elections made by a plan sponsor who uses this feature. Section 1.430(a)–1(b)(5)(ii) provides that, if a plan's termination date is before the date that would otherwise have been the valuation date for a plan year, then the valuation date for the plan year must be changed so that it falls within the short plan year (so that automatic approval is granted for this change). This change avoids the need for an employer to request a change in valuation date with respect to certain small plans, thus lessening the burden for required collections of information for small entities. Based on these facts, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required.

Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Statement of Availability for IRS Documents

For copies of recently issued Revenue Procedures, Revenue Rulings, notices, and other guidance published in the Internal Revenue Bulletin, please visit the IRS Web site at *http://irs.gov.*

Drafting Information

The principal authors of these regulations are Michael P. Brewer and Linda S. F. Marshall, Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities). However, other personnel from the IRS and the Treasury Department participated in the development of these regulations.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 54

Excise taxes, Health care, Health insurance, Pensions, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 54 are amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by revising the introductory text and adding an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805, unless otherwise noted.

* * * * *

§ 1.430(j) 1 also issued under 26 U.S.C. 430(j)(4)(F).

■ **Par. 2.** Section 1.430(a)–1 is added to read as follows:

§ 1.430(a)–1 Determination of minimum required contribution.

(a) *In general*—(1) *Overview.* This section sets forth rules for determining a plan's minimum required contribution for a plan year under section 430(a). Section 430 and this section apply to single-employer defined benefit plans (including multiple employer plans as defined in section 413(c)) that are subject to section 412 but do not apply to multiemployer plans (as defined in section 414(f)). Paragraph (b) of this section defines a plan's minimum required contribution for a plan year. Paragraph (c) of this section provides rules for determining shortfall amortization installments. Paragraph (d) of this section provides rules for determining waiver amortization installments. Paragraph (e) of this section provides for early deemed amortization of shortfall and waiver amortization bases for fully funded plans. Paragraph (f) of this section provides definitions that apply for purposes of this section. Paragraph (g) of this section provides examples that illustrate the application of this section. Paragraph (h) of this section provides effective/applicability dates and transition rules.

(2) *Special rules for multiple employer plans*—(i) *In general.* In the case of a multiple employer plan to which section 413(c)(4)(A) applies, the rules of section 430 and this section are applied separately for each employer under the plan, as if each employer maintained a separate plan. Thus, the minimum required contribution is computed separately for each employer under such a multiple employer plan. In the case of a multiple employer plan to which section 413(c)(4)(A) does not apply (that is, a plan described in section 413(c)(4)(B) that has not made the election for section 413(c)(4)(A) to apply), the rules of section 430 and this section are applied as if all participants in the plan were employed by a single employer.

(ii) *CSEC plans.* A CSEC plan (that is, a plan that fits within the definition of a CSEC plan in section 414(y) for plan years beginning on or after January 1, 2014 and for which the election under section 414(y)(3)(A) has not been made) is not subject to the rules of section 430. See section 433 for the minimum funding rules that apply to CSEC plans.

(b) *Definition of minimum required contribution*—(1) *In general.* In the case of a defined benefit plan that is subject to section 430, except as offset under section 430(f) and § 1.430(f) 1, the minimum required contribution for a plan year is determined as the applicable amount determined under paragraph (b)(2) of this section or paragraph (b)(3) of this section, reduced by the amount of any funding waiver under section 412(c) that is granted for the plan year. See paragraph (b)(4) of this section for special rules for a plan maintained by a commercial passenger airline (or other eligible employer) for which an election under section 402 of the Pension Protection Act of 2006, Public Law 109–280 (120 Stat. 780), as amended (PPA '06), has been made, and see section 430(j) and § 1.430(j) 1(b) for rules regarding the required interest adjustment for a contribution that is paid on a date other than the valuation date for the plan year. See also § 1.430(j)–1(d)(3)(iv)(B) for rules regarding an increase to the minimum required contribution in certain circumstances for a plan with an unpaid liquidity amount.

(2) *Plan assets less than funding target*—(i) *General rule.* For any plan year in which the value of plan assets (as reduced to reflect the subtraction of certain funding balances as provided under § 1.430(f)–1(c), but not below zero) is less than the funding target for the plan year, the minimum required contribution for that plan year is equal to the sum of—

(A) The target normal cost for the plan year;

(B) The total (not less than zero) of the shortfall amortization installments as described in paragraph (c) of this section determined with respect to any shortfall amortization base for the plan year and for each preceding plan year for which the shortfall amortization base has not been fully taken into account (generally, the 6 preceding plan years); and

(C) The total of the waiver amortization installments as described in paragraph (d) of this section determined with respect to any waiver amortization base for all preceding plan years for which the waiver amortization base has not been fully taken into account (generally, the 5 preceding plan years).

(ii) *Special rule for short plan years*—(A) *Proration of amortization installments.* In determining the minimum required contribution in the case of a plan year that is shorter than 12 months (and is not a 52-week plan year of a plan that uses a 52–53 week plan year), the shortfall amortization installments and waiver amortization installments that are taken into account under paragraphs (b)(2)(i)(B) and (C) of this section are determined by multiplying the amount of those installments that would be taken into account for a 12-month plan year by a fraction, the numerator of which is the duration of the short plan year and the denominator of which is 1 year.

(B) *Effect on subsequent years.* In plan years after the short plan year, installments with respect to a shortfall amortization base or waiver amortization base continue to be taken into account under paragraphs (b)(2)(i)(B) and (C) of this section until the total amount of those installments, as originally determined when the base was established, has been taken into account. Thus, in the case of a plan that has a short plan year, an additional partial installment will be taken into account under paragraphs (b)(2)(i)(B) and (C) of this section for the plan year that ends after the end of the original amortization period (generally 7 years

for shortfall amortization bases and 5 years for waiver amortization bases) in an amount determined so that the total of the amortization installments (including the prorated installment payable for the short plan year and the additional partial installment) is equal to the total of the amortization installments as originally determined.

(3) *Plan assets equal or exceed funding target.* For any plan year in which the value of plan assets (as reduced to reflect the subtraction of certain funding balances as provided under § 1.430(f)–1(c), but not below zero) equals or exceeds the funding target for the plan year, the minimum required contribution for that plan year is equal to the target normal cost for the plan year reduced (but not below zero) by that excess.

(4) *Special rules for commercial passenger airlines*—(i) *In general.* This paragraph (b)(4) provides special rules for a plan maintained by a commercial passenger airline (or an employer whose principal business is providing catering services to a commercial passenger airline) for which an election under section 402(a)(1) of PPA '06 has been made. See paragraph (c)(4) of this section for special rules for a plan maintained by a commercial passenger airline (or an employer whose principal business is providing catering services to a commercial passenger airline) for which an election under section 402(a)(2) of PPA '06 has been made.

(ii) *Determinations during 17-year amortization period.* If an election described in section 402(a)(1) of PPA '06 applies for the plan year with respect to an eligible plan described in section 402(c)(1) of PPA '06, then the plan's minimum required contribution for purposes of section 430 of the Internal Revenue Code (Code) for the plan year is equal to the amount necessary to amortize (at an interest rate of 8.85 percent) the unfunded liability of the plan in equal installments over the remaining amortization period. For this purpose, the unfunded liability means the excess of the accrued liability under the plan determined using the unit credit funding method and an interest rate of 8.85 percent over the value of assets (as determined under section 430(g)(3) and § 1.430(g)–1(c)), and the remaining amortization period is the 17-plan-year period beginning with the first plan year for which the election was made, reduced by 1 year for each plan year after the first plan year for which the election was made. In addition, the section 430(f)(3) election to apply funding balances against the minimum required contribution does not apply to a plan to which the election described in section 402(a)(1) of PPA '06 applies for the plan year.

(iii) *Determinations following the election period.* If an election described in section 402(a)(1) of PPA '06 applied to the plan for any preceding plan year but does not apply for the current plan year, then the plan's minimum required contribution for purposes of section 430 of the Code for the plan year is determined without regard to that election. For the first plan year for which that election no longer applies to the plan, any prefunding balance or funding standard carryover balance is reduced to zero.

(5) *Terminated plans*—(i) *Short plan year.* If a plan's termination date occurs during a plan year but before the last day of a plan year, then, for purposes of section 430, the plan is treated as having a short plan year that ends on the termination date.

(ii) *Valuation date.* If a plan's termination date is before the date that would otherwise have been the valuation date for a plan year, then the valuation date for the plan year must be changed so that it falls within the short plan year pursuant to § 1.430(g)–1(b)(2)(i). See § 1.430(g)–1(b)(2)(iv) for a rule providing automatic approval of changes in the valuation date that are required by section 430.

(c) *Shortfall amortization installments*—(1) *In general.* Except as otherwise provided in paragraphs (c)(3) and (4) of this section, the shortfall amortization installments with respect to a shortfall amortization base established for a plan year are the annual amounts necessary to amortize that shortfall amortization base in level annual installments over the 7-year period beginning with that plan year. See § 1.430(h)(2)–1(e) and (f) for rules regarding interest rates used for determining shortfall amortization installments and the date within each plan year on which the installments are assumed to be paid. The shortfall amortization installments are determined using the interest rates that apply for the plan year for which the shortfall amortization base is established and are not redetermined in subsequent plan years to reflect any changes in the valuation date or changes in interest rates under section 430(h)(2) for those subsequent plan years.

(2) *Shortfall amortization base*—(i) *In general.* Unless the value of plan assets (as reduced to reflect the subtraction of certain funding balances as provided under § 1.430(f)–1(c)(2), but not below zero) is equal to or greater than the funding target for the plan year, a shortfall amortization base is established for the plan year equal to—

(A) The funding shortfall for the plan year; minus

(B) The amount attributable to future installments determined under paragraph (c)(2)(ii) of this section.

(ii) *Amount attributable to future installments.* The amount attributable to future installments is equal to the sum of the present values (determined in accordance with § 1.430(h)(2)–1(e) and (f) using the interest rates that apply for the current plan year) of—

(A) The shortfall amortization installments that have been determined for the plan year and any succeeding plan year with respect to the shortfall amortization bases for any plan year preceding the plan year; and

(B) The waiver amortization installments that have been determined for the plan year and any succeeding plan year with respect to the waiver amortization bases for any plan year preceding the plan year.

(iii) *Timing assumption for installments after change in valuation date.* For purposes of determining the present value in paragraph (c)(2)(ii) of this section, the shortfall amortization installments and waiver amortization installments are assumed to be paid on the valuation date for the current plan year and anniversaries thereof even if the valuation date for a subsequent plan year is not the same as the valuation date for the plan year for which a shortfall amortization base or waiver amortization base was established. For example, assume that a plan has a July 1 to June 30 plan year and a valuation date that is the first day of the plan year, and that the plan year for the plan is changed to the calendar year, so that the plan has a short plan year beginning July 1, 2017 and ending December 31, 2017 and a calendar plan year thereafter. In this case—

(A) For the July 1, 2017 actuarial valuation, the shortfall amortization payments with respect to shortfall amortization bases established for all prior plan years are assumed to be paid on July 1, 2017 and anniversaries thereof; and

(B) For the January 1, 2018 actuarial valuation, the shortfall amortization payments with respect to shortfall amortization bases established for all prior plan years are assumed to be paid on January 1, 2018 and anniversaries thereof.

(iv) *Transition rule.* See paragraph (h)(4) of this section for a transition rule under which only a portion of the funding target is taken into account in determining whether a shortfall amortization base is established under this paragraph (c)(2).

(3) *Election of funding relief for certain plans*—(i) *Funding relief under the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010.* See section 430(c)(2)(D) and section 430(c)(7) for special rules that apply to determine the amount of shortfall amortization installments with respect to shortfall amortization bases established for plan years ending on or after October 10, 2009 and beginning before January 1, 2012, for which the relief under section 430(c)(2)(D) is elected.

(ii) *Funding relief related to eligible charity plans.* See section 104(d)(3)(B) through (F) of PPA '06, which reflects amendments made by section 103(b)(2) of the Cooperative and Small Employer Charity Pension Flexibility Act of 2014, Public Law 113–97 (128 Stat. 1137), for special rules that apply to determine the amount of shortfall amortization installments with respect to plan years beginning on or after January 1, 2014, in the case of an eligible charity plan for which the relief under section 104(d)(3)(A) of PPA '06 is elected.

(iii) *Election by commercial passenger airline under section 402(a)(2) of PPA '06.* If an election described in section 402(a)(2) of PPA '06 has been made for an eligible plan described in section 402(c)(1) of PPA '06, then the minimum required contribution for purposes of section 430 is determined under generally applicable rules, except that the shortfall amortization base for the first plan year for which section 430 applies to the plan is amortized over 10 years (rather than over 7 years as provided in paragraph (c)(1) of this section) in accordance with § 1.430(h)(2)–1(e) and (f) using the interest rates that apply for purposes of determining the target normal cost for the first plan year for which section 430 applies to the plan. In such a case, the shortfall amortization installments with respect to the shortfall amortization base for that plan year will continue to be included in determining the minimum required contribution for 10 years rather than 7 years. See also § 1.430(h)(2)–1(b)(6) for a special rule for determining the funding target in the case of a plan for which an election under section 402(a)(2) of PPA '06 has been made.

(d) *Waiver amortization installments*—(1) *In general.* For purposes of this section, the waiver amortization installments with respect to a waiver amortization base established for a plan year are the annual amounts necessary to amortize that waiver amortization base in level annual installments over the 5-year period beginning with the following plan year. See § 1.430(h)(2)–1(e) and (f) for rules regarding interest rates used for determining waiver amortization installments and the date within each plan year on which the installments are assumed to be paid. The waiver amortization installments established with respect to a waiver amortization base are determined using the interest rates that apply for the plan year for which the waiver is granted (even though the first installment with respect to the waiver amortization base is not due until the subsequent plan year) and are not redetermined in subsequent plan years to reflect any changes in the valuation date or changes in interest rates under section 430(h)(2) for those subsequent plan years.

(2) *Waiver amortization base*—(i) *In general.* For purposes of this section, a waiver amortization base is established for each plan year for which a waiver of the minimum funding standard has been granted in accordance with section 412(c). The amount of the waiver amortization base is equal to the waived funding deficiency under section 412(c)(3) for the plan year.

(ii) *Transition rule.* See paragraph (h)(3) of this section for the treatment of funding waivers granted for plan years beginning before 2008.

(e) *Early deemed amortization upon attainment of funding target.* In any case in which the funding shortfall for a plan year is zero, for purposes of determining the minimum required contribution for that plan year and subsequent plan years—

(1) The shortfall amortization bases for all preceding plan years (and all shortfall amortization installments determined with respect to those bases) are reduced to zero; and

(2) The waiver amortization bases for all preceding plan years (and all waiver amortization installments determined with respect to those bases) are reduced to zero.

(f) *Definitions*—(1) *In general.* The definitions set forth in this paragraph (f) apply for purposes of this section.

(2) *Funding shortfall.* The term *funding shortfall* means the excess (if any) of—

(i) The funding target for a plan year; over

(ii) The value of plan assets for the plan year (as reduced to reflect the subtraction of the funding standard carryover balance and prefunding balance to the extent provided under § 1.430(f)–1(c), but not below zero).

(3) *Funding target.* The term *funding target* means the plan's funding target for a plan year determined under § 1.430(d)–1(b)(2), § 1.430(i)–1(c), or § 1.430(i)–1(e)(1), whichever applies to the plan for the plan year.

(4) *Target normal cost.* The term *target normal cost* means the plan's target normal cost for a plan year determined under § 1.430(d)–1(b)(1), § 1.430(i)–1(d), or § 1.430(i)–1(e)(2), whichever applies to the plan for the plan year.

(5) *Termination date*—(i) *Plans subject to Title IV of ERISA.* In the case of a plan subject to Title IV of the Employee Retirement Income Security Act of 1974, as amended (ERISA), the termination date means the plan's termination date established under section 4048(a) of ERISA.

(ii) *Other plans*—(A) *In general.* In the case of a plan not subject to Title IV of ERISA, the termination date means the plan's termination date established by the plan administrator, provided that the termination date may be no earlier than the date on which all actions necessary to effect the plan termination (other than the distribution of plan assets) are taken.

(B) *Requirement for prompt distribution.* A plan is not treated as terminated on the applicable date described in paragraph (f)(5)(ii)(A) of this section if the assets are not distributed as soon as administratively feasible after that date. Whether distribution of plan assets is made as soon as administratively feasible is to be determined under all the relevant facts and circumstances. In general, distribution of plan assets is deemed to have been made as soon as administratively feasible to the extent that any delay in distribution was because of circumstances outside the control of the plan administrator. However, distribution of plan assets that was delayed merely for the purpose of obtaining a higher value than current market value is generally not deemed to have been made as soon as administratively feasible.

(C) *Presumption applicable to prompt distribution requirement.* Except as provided in paragraph (f)(5)(ii)(D) of this section, distribution of plan assets which is not completed within one year following the applicable date described in paragraph (f)(5)(ii)(A) of this section is presumed not to have been made as soon as administratively feasible.

(D) *Exception to prompt distribution presumption for obtaining determination letter from Commissioner.* A plan is not treated as failing to meet the requirement to distribute plan assets as soon as administratively feasible after the proposed termination date if the delay is attributable to the period of time necessary to obtain a determination letter from the Commissioner on the plan's qualified status upon its

termination, provided that the request for a determination letter is timely and the distribution of plan assets is made as soon as administratively feasible after the letter is obtained.

(6) *Transition funding shortfall*—(i) *In general.* The term *transition funding shortfall* means the excess, if any, of—

(A) The applicable percentage of the funding target for a plan year; over

(B) The value of plan assets for the plan year (as reduced to reflect the subtraction of the funding standard carryover balance and prefunding balance to the extent provided under § 1.430(f)–1(c), but not below zero).

(ii) *Applicable percentage.* For purposes of this paragraph (f)(6), the applicable percentage is determined in accordance with the following table:

Calendar year in which the plan year begins	Applicable percentage
2008	92
2009	94
2010	96

(g) *Examples.* The following examples illustrate the rules of this section. Unless otherwise indicated, these examples are based on the following assumptions: Section 430 applies to determine the minimum required contribution for plan years beginning on or after January 1, 2008; the plan year is the calendar year; the valuation date is January 1; the plan's prefunding balance and funding standard carryover balance are equal to $0; the plan sponsor did not elect any funding relief under section 430(c)(2)(D) for any plan year; and the plan has not received any funding waivers for any relevant time periods.

Example 1. (i) Plan A has a funding target of $2,500,000 and assets totaling $1,800,000 as of January 1, 2016. For purposes of this example, the segment interest rates used for the January 1, 2016 valuation are assumed to be 5.26% for the first segment interest rate and 5.82% for the second segment interest rate. No shortfall or waiver amortization bases have been established for prior plan years.

(ii) A $700,000 shortfall amortization base is established for 2016, which is equal to the $2,500,000 funding target less $1,800,000 of assets.

(iii) With respect to the new shortfall amortization base of $700,000, there is a shortfall amortization installment of $116,852 (which is the amount necessary to amortize the $700,000 shortfall amortization base over 7 years) for each year from 2016 through 2022. The amount of this shortfall amortization installment is determined by discounting the first five installments using the first segment interest rate of 5.26%, and by discounting the sixth and seventh installments using the second segment rate of 5.82%.

Example 2. (i) The facts are the same as in *Example 1*, except that the plan was granted a funding waiver for 2014, resulting in five annual waiver amortization installments of $70,000 each, beginning with the 2015 plan year.

(ii) As of January 1, 2016, the present value of the remaining waiver amortization installments is $259,702, which is determined by discounting the remaining four waiver amortization installments of $70,000 each to January 1, 2016, using the first segment rate of 5.26%. See paragraph (c)(2)(ii) of this section.

(iii) A $440,298 shortfall amortization base is established for 2016, which is equal to the $2,500,000 funding target, less $1,800,000 of assets, less $259,702 (which is the present value of the remaining four waiver amortization installments).

(iv) With respect to this shortfall amortization base of $440,298, there is a shortfall amortization installment of $73,500 (which is equal to the $440,298 shortfall amortization base amortized over 7 years) for each year from 2016 through 2022.

Example 3. (i) The facts are the same as in *Example 2*. Plan A has a $100,000 target normal cost for the 2016 plan year and was granted a funding waiver for 2016 to the largest extent permitted under section 412(c).

(ii) If the funding waiver for 2016 had not been granted, the minimum required contribution for 2016 would have been $243,500. This is equal to the $100,000 target normal cost, plus the $70,000 waiver amortization installment from the 2014 waiver, plus the $73,500 January 1, 2016 shortfall amortization installment.

(iii) In accordance with section 412(c)(1)(C), the portion of the minimum required contribution attributable to the amortization of the 2014 funding waiver cannot be waived. Therefore, the maximum amount of the January 1, 2016 minimum required contribution that can be waived is $173,500.

(iv) In accordance with paragraph (d) of this section, a waiver amortization base of $173,500 is established as of January 1, 2016 to be amortized over 5 years beginning with the 2017 plan year. Although the waiver amortization installments for the 2016 funding waiver are not included in the minimum required contribution until 2017, the amount of those installments is determined based on the interest rates used for the 2016 plan year.

(v) The waiver amortization installments with respect to the 2016 funding waiver are calculated using the first segment interest rate of 5.26% for the first four installments (calculated as of January 1, 2017 through January 1, 2020) and the second segment interest rate of 5.82% for the final installment payable as of January 1, 2021. Accordingly, the waiver amortization installments with respect to the 2016 funding waiver are $40,554 each, payable beginning January 1, 2017.

Example 4. (i) The facts are the same as in *Example 3*. As of January 1, 2017, Plan A has a funding target of $2,750,000 and assets totaling $1,900,000. For purposes of this example, the first segment rate used for the 2017 valuation is assumed to be 5.50%, the second segment rate is assumed to be 6.00%, and the third segment rate is assumed to be 6.50%.

(ii) As of January 1, 2017, the present value of the remaining three waiver amortization installments with respect to the 2014 waiver is $199,242, which is determined using the first segment rate of 5.50%.

(iii) As of January 1, 2017, the present value of the remaining five waiver amortization installments with respect to the 2016 waiver is $182,701, which is determined using the first segment rate of 5.50%.

(iv) As of January 1, 2017, the present value of the remaining six shortfall amortization installments with respect to the 2016 shortfall amortization base is $386,052, which is determined using the first segment rate of 5.50% for the first five installments and the second segment rate of 6.00% for the sixth installment.

(v) A shortfall amortization base of $82,005 is established for 2017, which is equal to the $2,750,000 funding target, reduced by the sum of $1,900,000 of assets, $199,242 (the present value of the remaining waiver amortization installments with respect to the 2014 waiver), $182,701 (the present value of the remaining waiver amortization installments with respect to the 2016 waiver), and $386,052 (the present value of the remaining installments with respect to the 2016 shortfall amortization base).

(vi) With respect to this shortfall amortization base of $82,005, there is a shortfall amortization installment of $13,766 (which is the amount necessary to amortize the $82,005 shortfall amortization base over 7 years) for each year from 2017 through 2023.

Example 5. (i) As of January 1, 2016, a plan has a funding target of $2,500,000, a target normal cost of $175,000, and assets totaling $2,450,000. As of January 1, 2016, there are six remaining installments of $60,000 each with respect to the only shortfall amortization base for the plan, which was established for the 2015 plan year. Also as of January 1, 2016, there are five remaining installments of $25,000 each with respect to the only waiver amortization base for the plan, which was established for the 2015 plan year. For purposes of this example, the segment interest rates used for the January 1, 2016, valuation are assumed to be 5.26% for the first segment interest rate and 5.82% for the second segment interest rate.

(ii) A shortfall amortization base of −$379,812 is established for 2016, which is equal to the $2,500,000 funding target, reduced by the sum of $2,450,000 of assets, $316,696 (the present value of the remaining installments with respect to the 2015 shortfall amortization base) and $113,116 (the present value of the remaining installments with respect to the 2015 funding waiver).

(iii) The shortfall amortization installment for the 2016 shortfall amortization base is −$63,403, which is the amount necessary to amortize the −$379,812 shortfall amortization base over seven years. The first five shortfall amortization installments are discounted using the first segment rate of 5.26% and the sixth and seventh shortfall

amortization installments are discounted using the second segment rate of 5.82%.

(iv) The sum of the shortfall amortization installments is equal to −$3,403 ($60,000 plus −$63,403). However, in accordance with paragraph (b)(2)(i)(B) of this section, for purposes of determining the minimum required contribution for a plan year, the total of the shortfall amortization installments for a plan year is limited so that it is not less than zero.

(v) The minimum required contribution as of January 1, 2016 is $200,000. This is equal to the sum of the target normal cost of $175,000, the total of the shortfall amortization installments (as limited) of $0, and the waiver amortization installment of $25,000.

(vi) The shortfall amortization bases are not set to zero as of January 1, 2016, even though the sum of the shortfall amortization installments was set to zero for the 2016 plan year. Therefore, as of January 1, 2017 (unless the plan has a funding shortfall of zero as of that date), the shortfall amortization base established as of January 1, 2015 will have five remaining installments of $60,000 each and the shortfall amortization base established as of January 1, 2016 will have six remaining installments of −$ 63,403 each. Similarly, the waiver amortization base will have four remaining installments of $25,000 each.

Example 6. (i) The facts are the same as in *Example 5*, except that Plan A has assets totaling $2,550,000 as of January 1, 2016.

(ii) Because the assets of $2,550,000 exceed the funding target of $2,500,000, no new shortfall amortization base is established under paragraph (c)(2) of this section.

(iii) Furthermore, under paragraph (e) of this section, all shortfall amortization bases and waiver amortization bases (and all shortfall amortization installments and waiver amortization installments associated with those bases) are reduced to zero as of January 1, 2016.

(iv) The minimum required contribution for the 2016 plan year is $125,000, which is equal to the $175,000 target normal cost less the excess of the assets over the funding target ($2,550,000 minus $2,500,000).

Example 7. (i) The actuarial valuation for Plan B as of January 1, 2016, based on a 12-month plan year, results in a target normal cost of $110,000 and a shortfall amortization installment for 2016 of $185,000, attributable to a shortfall amortization base established January 1, 2016. There are no other shortfall or waiver amortization bases for Plan B as of January 1, 2016. The plan year for Plan B is changed to April 1 through March 31, effective April 1, 2016, resulting in a short plan year beginning January 1, 2016 and ending March 31, 2016.

(ii) The target normal cost for the short plan year is redetermined in order to reflect the fact that there is a short plan year. An actuarial valuation shows that the target normal cost is $25,000 for the short plan year based on the accruals for that short plan year (determined in accordance with 29 CFR 2530.204–2(e)).

(iii) In accordance with paragraph (b)(2)(ii)(A) of this section, the shortfall amortization base is prorated to reflect the three months covered by the short plan year. Accordingly, the shortfall amortization installment for the short plan year is $46,250 (that is, $185,000 multiplied by 3/12).

(iv) The total minimum required contribution for the short plan year is $71,250 (that is, the sum of the target normal cost of $25,000 plus the shortfall amortization installment of $46,250).

Example 8. (i) The facts are the same as in *Example 7*. For purposes of this example, assume that the first segment rate for the plan year beginning April 1, 2016 is 5.30%, and the second segment rate is 5.80%.

(ii) The present value of the remaining shortfall amortization installments with respect to the January 1, 2016 shortfall amortization base is equal to $1,074,937. This is determined by discounting the remaining installments (6 full-year installments of $185,000 each due April 1, 2016 through April 1, 2021, and a final 9-month installment of $138,750 due April 1, 2022) using the first segment rate of 5.30% for the first five installments and the second segment rate of 5.80% for the remaining installments.

Example 9. (i) As of January 1, 2016, Plan C has a funding target of $1,100,000, a target normal cost of $20,000, and an actuarial value of assets of $1,150,000. Prior to establishing any shortfall amortization base for 2016, the total of the shortfall amortization installments for 2016 is $30,000 and the present value of the remaining shortfall amortization installments (including installments for the 2016 plan year) is $150,000. Based on the segment rates used for the 2016 plan year, the 7-year amortization factor for any shortfall amortization base established for 2016 is 5.9887. The funding standard carryover balance as of January 1, 2016 is $40,000 and the prefunding balance is $60,000. The plan sponsor intends to use both balances to offset the minimum required contribution for 2016.

(ii) In accordance with sections 430(c) and 430(f)(4)(A), the test to determine whether Plan C is exempt from establishing a new shortfall amortization base for 2016 is initially applied based on assets reduced by the prefunding balance, because the plan sponsor intends to use the prefunding balance to offset the minimum required contribution. Therefore, the actuarial value of assets used for this purpose is $1,150,000 minus $60,000, or $1,090,000. This is less than the funding target of $1,100,000, so a new shortfall amortization base is established for 2016.

(iii) The funding shortfall as of January 1, 2016 is the difference between the funding target and the actuarial value of assets, where the actuarial value of assets is reduced by both the funding standard carryover balance and the prefunding balance. Accordingly, the value of assets used for this calculation is $1,050,000 (that is, $1,150,000 − $40,000 − $60,000), and the funding shortfall is $50,000 (that is, $1,100,000 − $1,050,000).

(iv) The shortfall amortization base established as of January 1, 2016 is the difference between the funding shortfall of $50,000 and the $150,000 present value of remaining shortfall amortization installments for bases established in prior years (that is, −$100,000). The shortfall amortization installment attributable to this base is −$100,000 ÷ 5.9887, or −$16,698.

(v) The preliminary minimum required contribution is the sum of the target normal cost, the shortfall amortization installments for bases established prior to 2016, and the shortfall amortization installment for the new base established for 2016, or $33,302 (that is, $20,000 + $30,000 − $16,698). However, this amount is less than the funding standard carryover balance. Because section 430(f)(3)(B) and § 1.430(f)–1(d)(2) require that the funding standard carryover balance be used before using the prefunding balance, this means that the full minimum required contribution will be offset without using the prefunding balance. Accordingly, the plan sponsor will not be electing to use any portion of the prefunding balance to offset the minimum required contribution for 2016.

(vi) Because the plan sponsor is not using the prefunding balance to offset the minimum required contribution, the test to determine whether Plan C is exempt from establishing a new shortfall amortization base for 2016 must be applied without subtracting the prefunding balance from the actuarial value of plan assets. Because the full actuarial value of assets of $1,150,000 is higher than the funding target of $1,100,000, the plan is exempt from establishing a new shortfall amortization base for 2016. However, the actuarial value of plan assets is reduced by both balances when determining the funding shortfall, which is used to determine whether the shortfall amortization bases established prior to 2016 are reduced to zero. Because the funding shortfall is greater than zero as of January 1, 2016 (as calculated in paragraph (iii) of this *Example 9*), the shortfall amortization bases established before the 2016 plan year are retained.

(vii) The minimum required contribution for 2016 is the sum of the target normal cost and the shortfall amortization installments, or $50,000 ($20,000 + $30,000). Because this is larger than the funding standard account carryover balance of $40,000, the plan sponsor can only offset $40,000 of the minimum required contribution and must contribute $10,000 to meet the minimum funding requirements. The prefunding balance cannot be used to offset the remaining $10,000 minimum funding requirement because doing so would require recalculating the minimum required contribution as illustrated in paragraphs (ii) through (v) of this *Example 9* and the minimum required contribution would be too small to use the prefunding balance.

Example 10. (i) The facts are the same as in *Example 9*, except that, in lieu of making the cash contribution required in *Example 9*, the plan sponsor elects to reduce the funding standard carryover balance by $9,000.

(ii) Because the plan sponsor intends to use the prefunding balance to offset the minimum required contribution, the test to determine whether Plan C is exempt from establishing a shortfall amortization base for 2016 is based on the actuarial value of assets reduced by the prefunding balance. The actuarial value of assets reduced for the prefunding balance ($1,090,000) is less than

the funding target ($1,100,000), so a new shortfall amortization base is established for 2016.

(iii) The remaining funding standard carryover balance is $31,000 (that is, $40,000 minus the elected reduction of $9,000). The funding shortfall as of January 1, 2016 is the difference between the funding target and the actuarial value of assets, where the actuarial value of assets is reduced by both the remaining funding standard carryover balance and the prefunding balance. Accordingly, the value of assets used for this calculation is $1,059,000 (that is, $1,150,000 − $31,000 − $60,000), and the funding shortfall is $41,000 (that is, $1,100,000 − $1,059,000).

(iv) The shortfall amortization base established as of January 1, 2016 is the difference between the funding shortfall of $41,000 and the $150,000 present value of remaining shortfall amortization installments for bases established in prior years (that is, −$109,000). The shortfall amortization installment attributable to this base is −$109,000 ÷ 5.9887, or −$18,201.

(v) The minimum required contribution is the sum of the target normal cost, the shortfall amortization installments for bases established prior to 2016, and the shortfall amortization installment for the new base established for 2016, or $31,799 (that is, $20,000 + $30,000 − $18,201). This amount is larger than the remaining funding standard carryover balance of $31,000. Therefore, the plan sponsor can offset the full minimum required contribution using the remaining $31,000 of the funding standard carryover balance and $799 of the prefunding balance. Because a portion of the prefunding balance is used to offset the minimum required contribution, the test under section 430(c)(5) is applied by subtracting the prefunding balance from the actuarial value of assets as illustrated in paragraph (ii) of this *Example 10*, and no further adjustments are required to the minimum required contribution.

Example 11. (i) An amendment to Plan D was adopted during 2015, scheduled to be effective February 1, 2016. The actuary determines that, as of January 1, 2016, the amendment would increase Plan D's funding target by $300,000, if the amendment is permitted to take effect. As of February 1, 2016, prior to taking into account the amendment, the presumed adjusted funding target attainment percentage (AFTAP) for Plan D is less than 80% but not less than 60%. Plan D's sponsor makes a section 436 contribution (under section 436(c)(2)(A)) of $300,000, adjusted for interest as required under § 1.436–1(f)(2)(i)(A)(*2*), to allow the amendment to take effect.

(ii) Because the plan amendment was adopted prior to the valuation date for 2016 and becomes effective during the 2016 plan year, under § 1.430(d)–1(d)(1)(i), the plan amendment must be taken into account in the funding target as of January 1, 2016. However, because the section 436 contribution is made for the 2016 plan year, it is not included in Plan D's actuarial value of assets as of January 1, 2016.

(iii) The funding shortfall as of January 1, 2016 is calculated as the amount of the funding target (taking into account the plan amendment) minus the actuarial value of assets, where the value of assets is reduced by any funding standard carryover balance and prefunding balance as of that date. Because the funding target takes into account the increase of $300,000 attributable to the plan amendment but the actuarial value of assets does not include the section 436 contribution, the funding shortfall is $300,000 higher than it would have been had the plan amendment not been allowed to take effect.

(iv) The funding shortfall as of January 1, 2017 will reflect both the cost of the plan amendment and the value of the section 436 contribution made during 2016. Therefore, in the absence of any other factors affecting the shortfall amortization base, it is expected that a negative shortfall amortization base will be established as of January 1, 2017 as a result of the section 436 contribution made during 2016.

Example 12. (i) Plan E has a calendar year plan year and in 2015 had 97 participants. Plan E has a valuation date of July 1. A shortfall amortization base of $300,000 was established with the July 1, 2016 valuation. The plan had no other shortfall or waiver amortization bases. For purposes of this example, assume that the first segment rate for the 2016 plan year is 5.50% and the second segment rate is 6.00%. Accordingly, the shortfall amortization installments are determined as seven annual installments of $50,358 each, payable as of each July 1 beginning July 1, 2016.

(ii) Sometime after January 1, 2016, the number of participants in Plan E increased to over 100 during 2016, and therefore the valuation date was changed to January 1 effective with the 2017 plan year. As of January 1, 2017, Plan E has a funding target of $2,000,000, plan assets of $1,600,000, and a zero funding standard carryover balance and prefunding balance. For purposes of this example, assume that as of January 1, 2017, the first segment rate is 5.75% and the second segment rate is 6.25%.

(iii) In accordance with paragraph (c)(1) of this section, the amount of the shortfall amortization installments for the base established July 1, 2016 is not adjusted for the change in valuation date. As of January 1, 2017, the outstanding balance of the shortfall amortization base established as of July 1, 2016 is $263,047, determined as the present value of the remaining shortfall amortization installments, calculated as if the shortfall amortization installments of $50,358 are payable annually on January 1 instead of July 1.

(iv) A new shortfall amortization base of $136,953 is established effective January 1, 2017 equal to the difference between the funding shortfall of $400,000 and the outstanding balance of the shortfall amortization base established as of July 1, 2016 ($263,047). The shortfall amortization installment for this base is calculated as $23,139.

(v) The total shortfall amortization installment for the 2017 plan year is $73,497, equal to the sum of the installments for the shortfall amortization base established July 1, 2016 ($50,358) and the base established January 1, 2017 ($23,139). The total amortization installment is determined as an amount payable as of January 1 regardless of the fact that the installment for the first base was initially calculated as an amount payable on July 1.

Example 13. (i) A funding waiver of $300,000 was granted for Plan F for the 2006 plan year. The valuation interest rate for the January 1, 2007 actuarial valuation is 8.50% (which exceeds 150% of the applicable federal mid-term rate). The first segment rate for the January 1, 2008 valuation of Plan F is 5.26%.

(ii) The waiver amortization charge for the plan year beginning January 1, 2007 is $70,166, which is equal to the $300,000 funding waiver base amortized over 5 years at the valuation interest rate of 8.50%.

(iii) The annual waiver amortization installment for 2008 and later years is equal to the amortization charge for the 2007 plan year, or $70,166. As of January 1, 2008, the present value of the remaining waiver amortization installments is $260,318, which is determined by discounting the remaining four waiver amortization installments of $70,166 to January 1, 2008, using the first segment rate of 5.26%.

Example 14. (i) As of January 1, 2008, Plan G has a funding target of $2,500,000, plan assets of $1,800,000 and a funding standard carryover balance of $100,000. Plan G has not received a funding waiver for any past plan year. Plan G was in existence during 2007, and in the 2007 plan year was not subject to the deficit reduction contribution in section 412(l) of the Code as it existed prior to PPA '06.

(ii) Plan G qualifies for the transition rule in section 430(c)(5) of the Code (as in effect prior to amendments made by the Tax Increase Prevention Act of 2014, Public Law 113–295, 128 Stat. 4010) and paragraph (h)(4) of this section. Because Plan G's assets are less than 92% of its funding target, a shortfall amortization base must be established as of January 1, 2008.

(iii) Under the transition rule in paragraph (h)(4) of this section, the shortfall amortization base for 2008 is determined using only 92% of Plan G's funding target, or $2,300,000. For purposes of this calculation, the value of assets is reduced by the funding standard carryover balance for a net asset figure of $1,700,000 (that is, $1,800,000 minus $100,000). Accordingly, the shortfall amortization base as of January 1, 2008 is equal to $600,000.

(h) *Effective/applicability dates and transition rules*—(1) *Statutory effective date/applicability date.* Section 430 generally applies to plan years beginning on or after January 1, 2008. The applicability of section 430 for purposes of determining the minimum required contribution is delayed for certain plans in accordance with sections 104 through 106 of PPA '06.

(2) *Effective date/applicability date of regulations.* This section applies to plan years beginning on or after January 1, 2016. For plan years beginning before January 1, 2016, plans are permitted to rely on the provisions set forth in this

section for purposes of satisfying the requirements of section 430(a).

(3) *Treatment of pre-PPA '06 funding waivers.* In the case of a plan that has received a funding waiver under section 412 for a plan year for which section 430 was not yet effective with respect to the plan for purposes of determining the minimum required contribution, the waiver is treated as giving rise to a waiver amortization base and the amortization charges with respect to that funding waiver are treated as waiver amortization installments as described in paragraph (d) of this section. With respect to such a pre-existing funding waiver, the amount of the waiver amortization installment is equal to the amortization charge with respect to that waiver determined using the interest rate or rates that applied for the pre-effective plan year.

(4) *Transition rule for determining shortfall amortization base*—(i) *In general.* Except as provided in paragraph (h)(4)(ii) of this section, in the case of plan years beginning after December 31, 2007 and before January 1, 2011, for purposes of applying the rules of paragraph (c)(2) of this section—

(A) The applicable percentage (as described in paragraph (f)(6)(ii) of this section) of the funding target is substituted for the funding target; and

(B) The transition funding shortfall is substituted for the funding shortfall.

(ii) *Transition rule not available for new plans or deficit reduction plans.* The transition rule of paragraph (h)(4)(i) of this section does not apply to a plan—

(A) That was not in effect for a plan year beginning in 2007; or

(B) That was subject to section 412(l) for the last plan year beginning during 2007, determined after the application of sections 412(l)(6) and (9) (regardless of whether the deficit reduction contribution for that plan year was equal to zero).

(5) *Pre-effective plan year*—(i) *In general.* For purposes of this section, the pre-effective plan year for a plan is the last plan year beginning before section 430 applies to the plan to determine the minimum required contribution. Thus, except for plans with a delayed effective date as described in paragraph (h)(1) of this section, the pre-effective plan year for a plan is the last plan year beginning before January 1, 2008.

(ii) *Eligible charity plans.* An eligible charity plan (as described in section 104(d) of PPA '06, which reflects amendments made by section 202(b)(2) of PRA 2010, Public Law 111–192, 124 Stat. 1280 (June 25, 2010)) that applies section 430 to the first plan year beginning on or after January 1, 2008 has a pre-effective plan year that is the last plan year beginning before January 1, 2008 and a second pre-effective plan year that is the last plan year that precedes the plan year for which section 430 again applies to the plan. (Section 430 does not apply to such a plan for plan years beginning on or after January 1, 2009 and before January 1, 2017, unless the plan ceases to be an eligible charity plan, or an election under section 104(d)(2) or 104(d)(4) of PPA '06 is made for the plan not to be treated as an eligible charity plan, as of an earlier date.)

■ **Par. 3.** Section 1.430(f)–1 is amended as follows:

■ 1. The paragraph heading for paragraph (b)(5) is removed.

■ 2. Paragraph (b)(5)(i) is redesignated as paragraph (b)(5).

■ 3. The paragraph heading of newly redesignated paragraph (b)(5) is revised to read ''Special rule for quarterly contributions''.

■ 4. The text of the newly redesignated paragraph (b)(5) is amended by removing the words ''that are due on or after the valuation date for the plan year for which they are due'' from the first sentence.

■ 5. Paragraph (b)(5)(ii) is removed.

■ 6. The paragraph heading for paragraph (d)(1)(i)(B) is removed.

■ 7. Paragraph (d)(1)(i)(B)(*1*) is redesignated as paragraph (d)(1)(i)(B).

■ 8. The paragraph heading of the newly redesignated paragraph (d)(1)(i)(B) is revised to read ''Special rule for late election with respect to quarterly contributions.''

■ 9. The text of the newly redesignated paragraph (d)(1)(i)(B) is amended by removing the words ''that is due on or after the valuation date'' from the first sentence; removing the word ''discounted'' and adding in its place ''adjusted'' in the first sentence; and removing the phrase ''further discounted'' and adding in its place ''further adjusted'' in the second sentence.

■ 10. Paragraph (d)(1)(i)(B)(*2*) is removed.

■ 11. Paragraph (f)(1)(i) is amended by removing the phrase ''as provided in paragraph (f)(1)(ii) of this section'' and adding in its place ''as provided in this paragraph (f)(1)'' in two places.

■ 12. Paragraph (f)(1)(iii) is added.

■ 13. Paragraph (f)(2)(i) is amended by removing the phrase ''as described in section 430(j)(1)'' and adding in its place ''as described in section 430(j)(1), or such later date as prescribed in guidance published in the Internal Revenue Bulletin''.

■ 14. Paragraph (f)(3)(i) is amended by removing the words ''Except as otherwise provided in this paragraph (f)(3)'' and adding in their place the words ''Except as otherwise provided in this paragraph (f)(3) or in guidance published in the Internal Revenue Bulletin''.

The revisions and additions read as follows:

§ 1.430(f)–1 Effect of prefunding balance and funding standard carryover balance.

* * * * *

(f) * * * (1) * * *

(iii) *Standing election to satisfy installments through use of funding balances*—(A) *In general.* A plan sponsor may provide a standing election in writing to the plan's enrolled actuary to use (to the extent available) the funding standard carryover balance and the prefunding balance to satisfy any otherwise unpaid portion of a required installment under section 430(j)(3). Any use pursuant to a standing election under this paragraph (f)(1)(iii) is deemed to occur on the later of the last date for making the required installment and the date the standing election is provided to the enrolled actuary.

(B) *Otherwise unpaid portion of a required installment.* For purposes of paragraph (f)(1)(iii)(A) of this section, the otherwise unpaid portion of a required installment equals the amount necessary to satisfy the required installment rules under section 430(j) based on the installment amounts determined as if the required annual payment were the amount described in § 1.430(j)–1(c)(5)(ii)(B). Thus, the amount of the prefunding and funding standard carryover balances used under a standing election is the amount that is needed to satisfy an installment in the amount of 25 percent of the minimum required contribution for the prior plan year, plus installments in that amount with respect to all earlier required installment due dates for the plan year, taking into account prior contributions for the plan year and prior elections to use the funding standard carryover balance and prefunding balance for the plan year.

(C) *Duration of standing election.* Generally, any standing election under this paragraph (f)(1)(iii) remains in effect for the plan with respect to the enrolled actuary named in the election, unless either of the events described in paragraph (f)(1)(ii)(A) or (B) of this section occurs with respect to the standing election. However, a plan sponsor may suspend application of a standing election for the remaining installments with respect to a plan year by providing, in writing to the plan's

enrolled actuary, notice that the standing election is not to apply for the remainder of the plan year. In addition, once the current year's minimum required contribution has been determined, a plan sponsor may modify application of a standing election for the remaining installments with respect to a plan year by providing, in writing to the plan's enrolled actuary, a replacement formula election to use the funding standard carryover balance and prefunding balance (to the extent available) so that the otherwise unpaid portions of the remaining required installments satisfy the required installment rules under section 430(j), taking into account the determination of the current year's minimum required contribution pursuant to § 1.430(j)–1(c)(5)(ii)(A), prior contributions for the plan year and prior elections to use the prefunding and funding standard carryover balances.

* * * * *

■ **Par. 4.** Section 1.430(h)(2)–1(b)(2) is revised to read as follows:

§ 1.430(h)(2)–1 Interest rates used to determine present value.

* * * * *

(b) * * *

(2) *Benefits payable within 5 years*—(i) *In general.* In the case of benefits expected to be payable during the 5-year period beginning on the valuation date for the plan year, the interest rate used in determining the present value of the benefits that are included in the target normal cost and the funding target for the plan is the first segment rate with respect to the applicable month, as described in paragraph (c)(2)(i) of this section.

(ii) *Special rule for plan years beginning before January 1, 2014.* With respect to a plan year beginning before January 1, 2014, for a plan with a valuation date other than the first day of the plan year, the 5-year period beginning on the first day of the plan year is permitted to be used in lieu of the 5-year period beginning on the valuation date for the plan year under paragraph (b)(2)(i) of this section.

* * * * *

■ **Par. 5.** Section 1.430(j)–1 is added to read as follows:

§ 1.430(j)–1 Payment of minimum required contributions.

(a) *In general*—(1) *Overview.* This section provides rules related to the payment of minimum required contributions, including the payment of required installments. Section 430(j) and this section apply to single-employer defined benefit plans (including multiple employer plans as defined in section 413(c)) but do not apply to multiemployer plans (as defined in section 414(f)). Paragraph (b) of this section describes the general timing requirement for minimum required contributions. Paragraph (c) of this section describes the accelerated required installment schedule for plans with a funding shortfall in the preceding plan year. Paragraph (d) of this section provides rules regarding liquidity requirements. Paragraph (e) of this section provides definitions. Paragraph (f) of this section provides examples that illustrate the rules of this section. Paragraph (g) of this section sets forth effective/applicability dates and transition rules.

(2) *Special rules for multiple employer plans*—(i) *In general.* In the case of a multiple employer plan to which section 413(c)(4)(A) applies, the rules of section 430 and this section are applied separately for each employer under the plan, as if each employer maintained a separate plan. Thus, for example, required installments are determined separately for each employer under such a multiple employer plan. In the case of a multiple employer plan to which section 413(c)(4)(A) does not apply (that is, a plan described in section 413(c)(4)(B) that has not made the election for section 413(c)(4)(A) to apply), the rules of section 430 and this section are applied as if all participants in the plan were employed by a single employer.

(ii) *CSEC plans.* A CSEC plan (that is, a plan that fits within the definition of a CSEC plan in section 414(y) for plan years beginning on or after January 1, 2014 and for which the election under section 414(y)(3)(A) has not been made) is not subject to the rules of section 430. See section 433 for the minimum funding rules that apply to CSEC plans.

(3) *Applicability of section 430(j) to plans of commercial passenger airlines*—(i) *In general.* Except as otherwise provided in this section, the rules of section 430(j) and this section apply to a plan for which an election described in section 402 of the Pension Protection Act of 2006, Public Law 109–280 (120 Stat. 780 (2006)), as amended (PPA '06), has been made in the same manner as those rules apply to any other plan subject to section 430.

(ii) *Special rules for plans for which election was made pursuant to section 402(a)(1) of PPA '06.* For purposes of applying the rules of section 430(j) and this section to a plan with respect to which the election under section 402(a)(1) of PPA '06 has been made, the effective interest rate for the plan is deemed to be 8.85 percent during the period for which the election applies. In addition, see paragraph (e)(4)(ii) of this section for a special determination of the funding shortfall for a plan for which the election in section 402(a)(1) of PPA '06 has been made.

(b) *General timing requirement for minimum required contributions*—(1) *Earliest date for contributions.* A payment made before the first day of the plan year cannot be applied toward the minimum required contribution under section 430 for that plan year.

(2) *Deadline for contributions.* The deadline for any payment of any minimum required contribution for a plan year is 8½ months after the close of the plan year. See section 4971 and the regulations thereunder regarding an excise tax that applies with respect to minimum required contributions not paid by this deadline. For additional rules that may apply in the case of a failure to pay minimum required contributions by this deadline, see also section 430(k) of the Code and sections 101(d) and 4043 of the Employee Retirement Income Security Act of 1974, as amended (ERISA).

(3) *Allocation of contribution to a plan year*—(i) *Plans with unpaid minimum required contributions that have not been corrected.* If a plan has unpaid minimum required contributions within the meaning of § 54.4971(c)–1(c) of this chapter that have not yet been corrected within the meaning of § 54.4971(c)–1(d)(2) of this chapter at the time a contribution is made, then the contribution is treated as a late contribution for the earliest plan year for which there is an unpaid minimum required contribution (to the extent necessary to correct that unpaid minimum required contribution). To the extent the contribution exceeds the amount necessary to correct the earlier unpaid minimum required contribution, the excess is treated as a late contribution for the next earliest plan year for which there is an unpaid minimum required contribution (to the extent necessary to correct that next earliest unpaid minimum required contribution). The allocation of the contribution under the preceding sentence is repeated until all unpaid minimum required contributions have been corrected, or until the entire contribution is allocated, whichever comes first.

(ii) *Plans without unpaid minimum required contributions.* If a contribution is made during the current plan year but before the deadline under paragraph (b)(2) of this section for contributions for a prior plan year, and the plan has no unpaid minimum required contribution for any plan year at the

time the contribution is made, then the contribution may be designated as a contribution for either that prior plan year or the current plan year. Similarly, if a contribution made during the current plan year but before the deadline under paragraph (b)(2) of this section for contributions for a prior plan year is more than enough to correct a plan's unpaid minimum required contributions for all plan years, the portion of a contribution that was not used to correct unpaid minimum required contributions may be designated as a contribution for either that prior plan year or the current plan year.

(iii) *Method of allocating contributions*—(A) *Reporting for contributions to correct unpaid minimum required contributions.* The allocation of a contribution under the rules of paragraph (b)(3)(i) of this section to correct unpaid minimum required contributions is automatic and must be shown on the actuarial report (Schedule SB, ''Single-Employer Defined Benefit Plan Actuarial Information'' of Form 5500, ''Annual Return/Report of Employee Benefit Plan'') for the earliest plan year with respect to which, as of the date of the contribution, the deadline for making contributions under paragraph (b)(2) of this section has not passed. See § 1.430(g)–1(d)(1) for the rules for determining the plan year for which these contributions are taken into account in determining the value of plan assets.

(B) *Designation of plan year if no unpaid minimum contribution.* In the case of a contribution described in paragraph (b)(3)(ii) of this section, the designation is established by the completion (and filing, if required) of the actuarial report (Schedule SB, ''Single-Employer Defined Benefit Plan Actuarial Information'' of Form 5500, ''Annual Return/Report of Employee Benefit Plan'') for the plan year for which the contribution is designated and cannot be changed after the actuarial report that reflects the contribution is completed (and filed, if required) except as provided in guidance published in the Internal Revenue Bulletin. Thus, a contribution that has been designated for a plan year on an actuarial report pursuant to this paragraph (b)(3)(iii)(B) generally cannot be redesignated as a contribution for either an earlier or later plan year.

(4) *Adjustment for interest*—(i) *In general.* Except as provided in this paragraph (b)(4), any payment toward the minimum required contribution under section 430 for a plan year that is paid on a date other than the valuation date for that plan year is adjusted for interest for the period between the valuation date and the payment date, at the plan's effective interest rate for that plan year determined pursuant to § 1.430(h)(2)–1(f)(1). The direction of the adjustment depends on whether the contribution is paid before or after the valuation date for the plan year. If the contribution is paid after the valuation date for the plan year, the contribution is discounted to the valuation date using the plan's effective interest rate. By contrast, if the contribution is paid before the valuation date for the plan year (which could only occur in the case of a small plan described in section 430(g)(2)(B)), the contribution is increased for interest using the plan's effective interest rate.

(ii) *Interest adjustment for late quarterly installments.* In the case of a plan that must make required installments under the rules of paragraph (c) of this section, to the extent a contribution for a plan year constitutes a late required installment, the adjustment for interest for the period between the valuation date and the payment date is made in two steps. In the first step, the portion of the contribution that constitutes a late required installment is adjusted for interest from the date of the contribution to the due date for the installment by discounting it using the plan's effective interest rate for that plan year determined pursuant to § 1.430(h)(2)–1(f)(1) plus 5 percentage points. In the second step, this discounted amount is treated as if it were contributed on the installment due date for purposes of the interest adjustment under paragraph (b)(4)(i) of this section. However, a contribution made toward the unpaid liquidity amount (as defined in paragraph (d)(3) of this section) that is made before the close of the quarter in which it is due is adjusted under paragraph (b)(4)(iii) of this section.

(iii) *Interest adjustment for unpaid liquidity amounts.* In the case of a plan that is subject to the liquidity requirement rules of paragraph (d) of this section, to the extent a contribution made during a quarter constitutes a payment of the unpaid liquidity amount for that quarter as described in paragraph (d)(3) of this section, the adjustment for interest for the period between the valuation date and the payment date is made in two steps. In the first step, the portion of the contribution that constitutes a payment of the unpaid liquidity amount is increased for interest from the date of the contribution to the last day of the quarter, at the plan's effective interest rate for that plan year determined pursuant to § 1.430(h)(2)–1(f)(1). In the second step, this adjusted amount is treated as if it were contributed on the last day of that quarter for purposes of the interest adjustment for late required installments under the rules of paragraph (b)(4)(ii) of this section. See paragraph (d)(3)(iv)(B) of this section for an increase to the minimum required contribution that gives effect to this interest adjustment for unpaid liquidity amounts in the event a portion of the required installment is no longer treated as unpaid after the close of the quarter under paragraph (d)(3)(iv)(A) of this section.

(c) *Accelerated quarterly installments required for underfunded plans*—(1) *Plans subject to quarterly installment requirement.* The plan sponsor of a plan that has a funding shortfall for the preceding plan year is required to pay the installments described in paragraph (c)(5) of this section by the due dates described in paragraph (c)(6) of this section. See paragraph (b)(4)(ii) of this section, section 430(k) of the Internal Revenue Code (Code) (regarding the imposition of a lien), and sections 101(d) and 4043 of ERISA (regarding notice to participants and beneficiaries and to the Pension Benefit Guaranty Corporation) for examples of consequences that generally apply following a failure to make required installments.

(2) *Satisfaction of quarterly installment requirement.* A plan sponsor may satisfy the requirement to pay an installment under paragraph (c)(1) of this section by one or a combination of the following—

(i) Making a contribution for the plan year which is allocated among the required installments under the rules of paragraph (c)(3) of this section; and

(ii) Making an election to use some or all of the plan's prefunding balance or funding standard carryover balance in accordance with the rules of paragraph (c)(4) of this section.

(3) *Satisfaction of quarterly installment requirement with contributions*—(i) *Contributions allocated to earliest quarterly installments.* For purposes of this section, a contribution for a plan year is allocated among the required installments for the plan year under the rules of paragraph (c)(3)(ii) or (iii) of this section, whichever is applicable. Which rule applies depends on whether, at the time the contribution is made, the plan sponsor has unpaid required installments (that is, the plan sponsor has not fully satisfied all required installments for which the due date has passed, taking into account the special

rule with respect to the unpaid liquidity amounts in paragraph (d)(3)(iv)(A) of this section).

(ii) *Early contributions increased with interest.* If a plan has no unpaid required installments for a plan year at the time a contribution for the plan year is made, then the contribution is allocated to the required installments (if any) for the plan year due on or after the date of the contribution under the rules of this paragraph (c)(3)(ii). The contribution is allocated in the order in which those installments occur, and the amount allocated to each required installment is limited to the amount necessary to satisfy the required installment (including satisfaction of the liquidity requirement under paragraph (d)(1) of this section, taking into account the special rule with respect to the unpaid liquidity amounts in paragraph (d)(3)(iv)(A) of this section) taking into account any interest as described in the next sentence. If the contribution is made before the due date of the installment to which it is allocated, then the amount credited toward the installment includes interest on the contribution from the date of the contribution to the due date of the required installment (except as provided in paragraph (d)(2) of this section). This interest adjustment is made using an interest rate equal to the plan's effective interest rate under § 1.430(h)(2)–1(f)(1) for the plan year.

(iii) *Allocation of contributions to late required installments without interest*—(A) *In general.* If a plan has any unpaid required installments for a plan year at the time a contribution for the plan year is made, then the contribution is allocated to those unpaid required installments under the rules of this paragraph (c)(3)(iii). The contribution is allocated in the order in which those unpaid required installments occur, and the amount allocated to each required installment is limited to the amount that satisfies the required installment without any adjustment for interest. If a contribution is allocated to an unpaid required installment under this paragraph (c)(3)(iii), then that contribution is adjusted for interest under the rules of paragraph (b)(4) of this section (regarding interest adjustments for late quarterly installments) for purposes of determining the extent to which that contribution satisfies the minimum required contribution for the plan year.

(B) *Bifurcation of contributions that exceed unpaid required installments.* Any amount of a contribution described in paragraph (c)(3)(iii)(A) of this section that is not used to satisfy the unpaid required installments for the plan year is allocated toward any remaining required installments for the plan year under the rules of paragraph (c)(3)(ii) of this section.

(4) *Satisfaction of quarterly installment requirements through use of funding balances.* A plan sponsor may satisfy the requirement to pay an installment under paragraph (c)(1) of this section by making an election to use some or all of the plan's prefunding balance or funding standard carryover balance under section 430(f). Such an election is subject to the rules of § 1.430(f)–1 and cannot exceed the available amount of the plan's prefunding balance and funding standard carryover balance determined under § 1.430(f)–1(d)(1)(ii) as of the date of the election. The amount elected is allocated toward satisfaction of the required installments in the same manner as a contribution made on the date of the election. Thus, the amount of an election to use the plan's prefunding balance or funding standard carryover balance is increased with interest under the rules of paragraph (c)(3)(ii) of this section or is credited against the earliest unpaid required installment under the rules of paragraph (c)(3)(iii) of this section. See § 1.430(f)–1(f)(1)(iii) for rules permitting the use of a standing election for purposes of satisfying required installments through use of funding balances. See § 1.430(f)–1(d)(1)(i)(B) for rules relating to late elections to use the funding standard carryover balance or prefunding balance to satisfy the required installment rules.

(5) *Amount of required installment*—(i) *In general.* For purposes of this section, the amount of any required installment due for a plan year is equal to 25 percent of the required annual payment for the plan year as described in paragraph (c)(5)(ii) of this section.

(ii) *Required annual payment.* The required annual payment for a plan year is equal to the lesser of—

(A) 90 percent of the minimum required contribution under section 430 for the plan year; or

(B) 100 percent of the minimum required contribution under section 430 (determined without regard to any funding waiver under section 412) for the preceding plan year.

(iii) *Treatment of funding balances.* For purposes of paragraph (c)(5)(ii) of this section, the minimum required contribution for a plan year is determined without regard to the use of the prefunding balance or funding standard carryover balance for the current year or the prior year. However, see paragraph (c)(4) of this section regarding a plan sponsor's election to use the plan's prefunding balance or funding standard carryover balance for the current year in order to satisfy the requirement to pay an installment.

(iv) *Disregard of certain amounts.* For purposes of paragraph (c)(5)(ii) of this section, the minimum required contribution for a plan year is determined without regard to the installment acceleration amount for the plan year determined under section 430(c)(7) or any increase to the minimum required contribution under paragraph (d)(3)(iv)(B) of this section (relating to an unpaid liquidity amount).

(6) *Due dates for installments.* For purposes of this section, there is a required installment for each quarter of the plan year, and the due dates for the required installments with respect to a full plan year are set forth in the following table:

Installment	Due date
First required installment.	15th day of 4th plan month.
Second required installment.	15th day of 7th plan month.
Third required installment.	15th day of 10th plan month.
Fourth required installment.	15th day after the end of the plan year.

(7) *Special rules for short plan years*—(i) *In general.* In the case of a short plan year, the rules of this paragraph (c) are modified as provided in this paragraph (c)(7).

(ii) *Current plan year is short plan year*—(A) *Amount of required annual payment.* In determining the required annual payment pursuant to paragraph (c)(5)(ii) of this section for a short plan year, the amount otherwise determined under paragraph (c)(5)(ii)(B) of this section (based on the prior year's minimum required contribution) is multiplied by a fraction, the numerator of which is the duration of the short plan year and the denominator of which is 1 year. This rule applies to the year that contains the plan's termination date if that date is before the date that would otherwise be the end of the plan year (because the plan is treated as having a short plan year for purposes of section 430 pursuant to § 1.430(a)–1(b)(5)).

(B) *Number and due dates of installments.* If the plan has a short plan year, then an installment is due 15 days after the end of that short plan year. In addition, an installment is required for each due date determined under paragraph (c)(6) of this section that falls within the short plan year. Thus, for example, if the short plan year ends before the 15th day of the 4th plan month of the plan year, there will be only one installment for that short plan

year, and that installment will be due on the 15th day after the end of the short plan year.

(C) *Amount of installments.* The amount of each installment required to be paid for the short plan year is equal to the required annual payment determined pursuant to paragraph (c)(5)(ii) of this section (as modified by paragraph (c)(7)(ii)(A) of this section) divided by the number of installments determined pursuant to paragraph (c)(7)(ii)(B) of this section.

(D) *No increase in prior required installments.* If a plan is amended to have a short plan year (including as a result of plan termination) and the required installments determined under paragraph (c)(7)(ii)(C) of this section are greater than the required installments determined without regard to the amendment, then—

(*1*) The required installments for which the due dates occur before the end of the short plan year are determined without regard to the amendment, and

(*2*) The required installment due on the 15th day after the end of the short plan year is increased to the extent necessary so that the total of the required installments for the year is the required annual payment determined under paragraph (c)(5)(ii) of this section, determined taking into account the rules of paragraph (c)(7)(ii)(A) of this section.

(iii) *Prior plan year is short plan year.* If the prior plan year is a short plan year, the amount otherwise determined under paragraph (c)(5)(ii)(B) of this section (based on the prior year's minimum required contribution) is multiplied by a fraction, the numerator of which is 1 year and the denominator of which is the duration of the short plan year.

(d) *Liquidity requirement in connection with quarterly installments*—(1) *In general*—(i) *Additional requirement with respect to quarterly installments.* Except as provided in this paragraph (d)(1), if a plan sponsor is required to pay the installments described in paragraph (c) of this section, then the plan sponsor is treated as failing to pay the full amount of the required installment for a quarter to the extent that the value of the liquid assets paid in the required installment after the end of that quarter and on or before the due date for the installment is less than the liquidity shortfall for that quarter. If the amount of any required installment is increased by reason of this paragraph (d)(1)(i), in no event shall this increase exceed the amount which, when added to the current required installment (determined without regard to the increase) and prior required installments for the plan year (not including any portion of a required installment that is no longer treated as unpaid under paragraph (d)(3)(iv)(A) of this section), is necessary to increase the funding target attainment percentage for the plan year to 100 percent (taking into account the expected increase in the funding target due to benefits accruing or earned during the plan year).

(ii) *Small plan exception.* The liquidity requirement of this paragraph (d) does not apply to a plan for any plan year for which the plan is a small plan described in § 1.430(g)–1(b)(2).

(2) *Satisfaction of liquidity requirement.* The additional requirement with respect to a required installment under paragraph (d)(1) of this section can be satisfied only with an actual contribution of liquid assets that, after application of paragraph (c)(3) of this section, is allocated to satisfy the required installment for the quarter. The liquidity requirement cannot be satisfied through the use of funding balances, and satisfaction of this requirement is determined without taking into account the increase for interest for early contributions set forth in paragraph (c)(3)(ii) of this section. Any contribution of liquid assets that is allocated to satisfy the required installment for a quarter applies for purposes of determining whether the requirements of paragraph (d)(1) of this section are satisfied, even if the contribution is less than the total amount needed to satisfy the requirements of paragraph (c) of this section for the quarter (taking into account any increase in the required installment under this paragraph (d)).

(3) *Failure to satisfy liquidity requirement*—(i) *Treatment as failure to satisfy quarterly installment.* If an employer fails to satisfy the additional requirement with respect to a required installment for a quarter under paragraph (d)(1) of this section, the portion of that required installment that is treated as not paid by reason of paragraph (d)(1) of this section (the unpaid liquidity amount for that quarter) is treated as an underpayment of the required installment. See paragraph (c)(1) of this section for examples of consequences of underpayment of a required installment.

(ii) *Late satisfaction of liquidity requirement.* The rules of paragraph (d)(2) of this section apply to determine whether a contribution made after the deadline for a required installment satisfies the liquidity requirement of paragraph (d)(1) of this section. However, pursuant to section 430(j)(4)(C), the unpaid liquidity amount is treated as unpaid until the end of the quarter in which the due date for that installment occurs, even if liquid assets in that amount are contributed during that quarter (but after the due date for the installment). See paragraph (b)(4)(iii) of this section for the application of this rule for purposes of applying the additional interest for late required installments.

(iii) *Additional consequences of failure to pay liquidity shortfall.* See section 206(e) of ERISA and section 401(a)(32) of the Code (regarding suspension of accelerated distributions for a plan with an unpaid liquidity amount). See also section 4971(f) regarding an excise tax imposed in the event of a failure to pay a liquidity shortfall.

(iv) *Treatment in subsequent quarter*—(A) *Adjustment to required installment.* After the close of the quarter in which the due date of a required installment occurs, any portion of the installment that was treated as unpaid solely by reason of paragraph (d)(1) of this section, and that was not satisfied with a contribution of liquid assets during that quarter, is no longer treated as unpaid (but any portion of the installment that would be treated as unpaid without regard to paragraph (d)(1) of this section must be satisfied in accordance with the rules of paragraph (c) of this section).

(B) *Increase to minimum required contribution for additional interest.* If a portion of the required installment is no longer treated as unpaid by reason of paragraph (d)(3)(iv)(A) of this section, then the minimum required contribution for the plan year for which the installment was due is increased by an amount equal to—

(*1*) The portion of the required installment that is no longer treated as unpaid by reason of paragraph (d)(3)(iv)(A) of this section, discounted for interest for the period from the last day of the quarter that includes the due date of the required installment to the valuation date, using the plan's effective interest rate for the plan year (determined pursuant to § 1.430(h)(2)–1(f)(1)); minus

(*2*) The portion of the required installment that is no longer treated as unpaid by reason of paragraph (d)(3)(iv)(A) of this section, discounted for interest for the period from the last day of the quarter that includes the due date of the required installment to the due date of the installment, using the plan's effective interest rate for the plan year plus 5 percentage points, and further discounted for interest for the period from the due date of the required installment to the valuation date using

the plan's effective interest rate for the plan year.

(e) *Definitions*—(1) *In general.* The definitions set forth in this paragraph (e) apply for purposes of this section.

(2) *Adjusted disbursements*—(i) *In general.* The term *adjusted disbursements* means, with respect to a time period, the amount described in paragraph (e)(2)(ii) of this section if the time period is within a single plan year, or the amount described in paragraph (e)(2)(iii) of this section if the time period spans more than one plan year.

(ii) *Period within a single plan year.* With respect to a period within a plan year, the adjusted disbursements are the disbursements from the plan during that period reduced by the product of—

(A) The plan's funding target attainment percentage determined under section 430(d)(2) for the plan year that contains that period; and

(B) The sum of the purchases of annuities and payments of single sums for that period.

(iii) *Period spanning more than one plan year.* With respect to a period of time that spans more than one plan year, the adjusted disbursements are the sum of the adjusted disbursements determined separately under paragraph (e)(2)(ii) of this section for each portion of a plan year that is included in the time period for which adjusted disbursements are determined.

(3) *Disbursements from the plan.* The term *disbursements from the plan* means all disbursements from the plan's trust, including purchases of annuities, payments of single sums and other benefits, and payments of administrative expenses.

(4) *Funding shortfall*—(i) *In general.* Except as otherwise provided in this paragraph (e)(4), the term *funding shortfall* has the same meaning as under § 1.430(a)–1(f)(2).

(ii) *Special rule for plans of commercial passenger airlines.* In the case of a plan year for which an election described in section 402(a)(1) of PPA '06 is in effect, the term *funding shortfall* means the unfunded liability for that plan year determined under § 1.430(a)–1(b)(4)(ii).

(iii) *Special rule for first effective plan year.* See paragraph (g)(5)(ii) of this section for a calculation of the funding shortfall for the plan's pre-effective plan year.

(iv) *Special rule for plan spinoffs and mergers.* [Reserved]

(5) *Liquid assets*—(i) *In general.* The term *liquid assets* means cash, marketable securities, and other assets described in this paragraph (e)(5)(i). For this purpose, marketable securities include financial instruments such as stocks and other equity interests, evidences of indebtedness (including certificates of deposit), options, futures contracts, and other derivatives, for which there is a liquid financial market, and other interests in entities (such as partnerships, trusts, or regulated investment companies) for which there is a liquid financial market. For purposes of the preceding sentence, a liquid financial market is an established financial market described in § 1.1092(d)–1(b) (other than an interbank market or an interdealer market described in § 1.1092(d)–1(b)(1)(v) and (vi), respectively). Any security that is issued or guaranteed by the government of the United States or an agency or instrumentality thereof for which there is an established financial market described in § 1.1092(d)–1(b) is a marketable security. Finally, any financial instrument or other interest in an entity that, under its terms, contains a right by which the instrument or other interest may immediately be redeemed, exchanged, or converted into cash or a marketable security, is a marketable security, provided there are no restrictions on the exercise of that right.

(ii) *Insurance and annuity contracts.* Other assets that are treated as liquid assets of a plan are insurance, annuity, or other contracts issued by an insurance company that is licensed to do business under the laws of any State, but only if the insurance, annuity, or other contract—

(A) Contains an unrestricted right by which the insurance, annuity or other contract may immediately be redeemed, exchanged, or converted into cash or a marketable security;

(B) Provides for substantially equal monthly disbursements to the extent provided in paragraph (e)(5)(iii) of this section; or

(C) Is benefit responsive within the meaning of paragraph (e)(5)(iv) of this section.

(iii) *Insurance and annuity contracts providing for substantially equal periodic payments.* If the contract provides for substantially equal monthly disbursements (for example, an annuity contract in pay status), the only portion of the contract that may be treated as liquid assets for a quarter is the amount equal to 36 times the monthly disbursement (in the month containing the last day of the quarter) which is available under the terms of the contract, provided there are no restrictions on the right to disbursements.

(iv) *Benefit responsive insurance and annuity contracts.* A contract is considered benefit responsive if, under applicable law and contractual provisions, the plan has the right to receive disbursements from the contract in order to pay plan benefits for any participant in the plan, without restrictions on that right.

(v) *Restrictions.* For purposes of this paragraph (e)(5), a restriction on a redemption, exchange, or conversion right, or a restriction on a right to receive a disbursement, may result not only from applicable law or contractual provisions, but also from rehabilitation, conservatorship, receivership, insolvency, bankruptcy, or similar proceedings.

(6) *Liquidity shortfall*—(i) *In general.* Except as modified in paragraph (e)(6)(iii) of this section with respect to multiple employer plans, the term *liquidity shortfall* means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which that installment is due) of—

(A) The base amount with respect to the quarter, over

(B) The value (as of the last day of the quarter) of the plan's liquid assets.

(ii) *Base amount*—(A) *In general.* For purposes of this paragraph (e)(6), the term *base amount* means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of that quarter.

(B) *Special rule.* If the generally applicable base amount for a quarter (as determined under paragraph (e)(6)(ii)(A) of this section) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and the enrolled actuary for the plan certifies to the satisfaction of the Commissioner that such excess is the result of nonrecurring circumstances, then the base amount with respect to that quarter is determined without regard to amounts related to those nonrecurring circumstances.

(iii) *Multiple employer plans*—(A) *Satisfaction of liquidity requirement as if plan were not a multiple employer plan.* For a multiple employer plan to which section 413(c)(4)(A) applies, the liquidity requirement of paragraph (d)(1)(i) of this section is satisfied if the liquidity requirement would be satisfied if the plan were a single-employer plan that is not a multiple employer plan to which section 413(c)(4)(A) applies.

(B) *Failure to satisfy the liquidity requirement on a plan-wide basis.* For a multiple employer plan to which section 413(c)(4)(A) applies, if the plan does not satisfy the liquidity requirement in accordance with paragraph (e)(6)(iii)(A) of this section,

then the liquidity requirement must be applied separately for each employer under the plan, as if each employer maintained a separate plan. Thus, the value of plan assets as of the end of each quarter under such a multiple employer plan must be allocated among the employers sponsoring the plan, and the liquidity shortfall must be determined for each employer based on that allocation. See section 413(c)(7)(B) and paragraph (a)(2) of this section.

(7) *Plan month*—(i) *Plan year begins on the first day of a calendar month.* For a plan year that begins with the first day of a calendar month, the term *plan month* means any calendar month that begins during the plan year.

(ii) *Plan year begins on a date other than the first day of a calendar month.* For a plan year that begins on a date other than the first day of a calendar month, the first day of each plan month is the day of the calendar month that corresponds to the day of the calendar month that is the first day of the plan year. Thus, for example, if the first day of a plan year is January 15, then a plan month starts on the 15th of each calendar month. However, if a calendar month does not contain a day that corresponds to the day of the calendar month that is the first day of the plan year (for example, if a calendar month has only 30 days and the first day of the plan year is the 31st day of a calendar month), then the first day of the plan month that begins during that calendar month is the last day of that calendar month.

(8) *Quarter.* The term *quarter* means, with respect to any required installment, the 3-plan-month period preceding the plan month in which the due date for that installment occurs.

(9) *Short plan year.* The term *short plan year* means a plan year that is shorter than 12 months (and is not a 52-week plan year of a plan that uses a 52–53 week plan year).

(f) *Examples.* The following examples illustrate the rules of this section. Unless otherwise indicated, these examples are based on the following assumptions: section 430 applies to determine the minimum required contribution for plan years beginning on or after January 1, 2008; the plan year is the calendar year; the valuation date is January 1; the plan sponsor is required to pay the installments described in paragraph (c) of this section; the plan does not have a liquidity shortfall; and the plan sponsor has not elected any funding relief under section 430(c)(2)(D) for any plan year. In addition, these examples assume that, under the funding method used for the plan, interest adjustments are calculated to the nearest half month (rather than days) for transactions that occur on the 1st and 15th of a calendar month.

Example 1. (i) Plan A has a funding standard carryover balance of $15,000 and a prefunding balance of zero as of January 1, 2016, and the plan's funding ratio for 2015 (determined under § 1.430(f)–1(d)(3)) was over 80%. The minimum required contribution for Plan A (determined prior to any offset for the funding standard carryover balance) is $100,000 for 2016 and is $125,000 for 2017. The effective interest rate for the 2017 plan year is 5.90%.

(ii) The required annual payment for 2017 is equal to the lesser of (a) 100% of the 2016 minimum required contribution ($100,000) or (b) 90% of the 2017 minimum required contribution (90% of $125,000, or $112,500). Therefore, each required installment for 2017 is 25% of $100,000, or $25,000.

(iii) Installments of $25,000 each are due by April 15, 2017, July 15, 2017, October 15, 2017, and January 15, 2018. The final contribution for the 2017 plan year is due by September 15, 2018. The amount of this final contribution is equal to $125,000, less the contributions made prior to that date, with all contributions adjusted to the valuation date using the effective interest rate for the 2017 plan year. If the plan sponsor makes each required installment on the date due, the remaining amount due is determined as follows:

(A) The contribution paid April 15, 2017 is adjusted by discounting the contribution amount for 3½ months at the effective interest rate ($25,000 ÷ $1.0590^{(3.5/12)}$ = $24,585).

(B) The contribution paid July 15, 2017 is discounted for 6½ months at the effective interest rate ($25,000 ÷ $1.0590^{(6.5/12)}$ = $24,236).

(C) The contribution paid October 15, 2017 is discounted for 9½ months at the effective interest rate ($25,000 ÷ $1.0590^{(9.5/12)}$ = $23,891).

(D) The contribution paid January 15, 2018 is discounted for 12½ months at the effective interest rate ($25,000 ÷ $1.0590^{(12.5/12)}$ = $23,551).

(E) The sum of the above contributions for the 2017 plan year paid through January 15, 2018, adjusted for interest to the valuation date, is $96,263. The remaining amount due for the 2017 plan year is $125,000 minus $96,263, or $28,737, as of January 1, 2017.

(iv) If the final contribution is made on September 15, 2018, the remaining amount due must be increased for interest at the plan's effective interest rate for the 20½ months between January 1, 2017 and September 15, 2018 (so that, when it is discounted with interest for those 20½ months, the resulting amount will equal $28,737). Therefore, the remaining contribution due on September 15, 2018 is $\$28{,}737 \times 1.0590^{(20.5/12)} = \$31{,}694$.

Example 2. (i) The facts are the same as in *Example 1,* except that the plan sponsor elects to use the $15,000 funding standard carryover balance as of January 1, 2016, to offset the minimum required contribution for the 2016 plan year. The plan sponsor makes a contribution on January 1, 2016 of $85,000, which satisfies the minimum contribution requirement for 2016.

(ii) The required installments for 2017 are unaffected by the plan sponsor's election to offset the minimum required contribution by the funding standard carryover balance for 2016. Therefore, the required annual payment for 2017 is $100,000 (determined as the lesser of (a) 100% of $100,000 or (b) 90% of $125,000) and the amount of each required installment for the 2017 plan year is 25% of the required annual payment, or $25,000.

Example 3. (i) The facts are the same as in *Example 1.* Plan A's funding standard carryover balance has increased to $17,000 as of January 1, 2017, based on the actual rate of return of plan assets during the 2016 plan year. Plan A's funding ratio for 2016 (determined under § 1.430(f)–1(d)(3)) is over 80%. On March 15, 2017, the plan sponsor elects to use the entire amount of the funding standard carryover balance to offset the minimum required contribution for 2017.

(ii) The plan sponsor's election to use the funding standard carryover balance to offset the minimum required contribution is treated as satisfying the requirement to make a required installment to the extent of the amount elected, adjusted with interest for the period from the beginning of the plan year to the due date of the installment using the plan's effective interest rate for the 2017 plan year. This adjustment is made for the 2.5-month period from the beginning of the plan year to the date of the election as provided in § 1.430(f)–1(b)(5), and for the one-month period from the date of the election to the due date for the installment, as provided in paragraphs (c)(3)(ii) and (c)(4) of this section. Therefore, the $17,000 funding standard carryover balance as of January 1, 2017 offsets $\$17{,}000 \times 1.0590^{(2.5/12)} \times 1.0590^{(1/12)}$ or $17,287 of the $25,000 required installment due April 15, 2017, and the remaining contribution due on April 15, 2017 is $25,000 minus $17,287, or $7,713.

(iii) The interest adjustments in paragraph (ii) of this *Example 3* are based on the effective interest rate even if that rate is not determined by the time that the required installment is due. If the plan's effective interest rate for the plan year has not been determined at the time that the required installment is due, the actual amount of the required installment satisfied by the use of the funding standard carryover balance is determined after the effective interest rate is determined. If the extent to which the funding standard carryover balance satisfies the required installment is overestimated and the result is that the full amount of the required installment is not paid by the due date, the plan is subject to the consequences for late or unpaid required installments as described in paragraph (c)(1) of this section.

Example 4. (i) The facts are the same as in *Example 3.* The plan sponsor makes a contribution of $7,713 (which is equal to the remaining portion of the first required installment) on April 15, 2017. For the 2017 plan year, the plan sponsor makes another contribution of $200,000 on June 30, 2017. No further contributions are made for the 2017 plan year.

(ii) The contributions made for the 2017 plan year are adjusted to the valuation date using the plan's effective interest rate for the 2017 plan year. The contribution paid April

15, 2017 is discounted for the 3½ months between January 1, 2017 and the date of payment, using the effective interest rate of 5.90% ($7,713 ÷ $1.0590^{(3.5/12)}$ = $7,585). The contribution paid June 30, 2017 is discounted for 6 months using the effective interest rate ($200,000 ÷ $1.0590^{(6/12)}$ = $194,349), for a total interest-adjusted contribution of $201,934.

(iii) The present value of the excess contribution for 2017 is based on the net contribution required for that year, which is the minimum required contribution minus the offset for the funding standard carryover balance, or $108,000 (that is, $125,000 minus $17,000). Accordingly, the present value of the excess contribution for 2017 is $201,934 minus $108,000, or $93,934. All or a portion of this amount may be credited to the prefunding balance at the election of the plan sponsor.

Example 5. (i) The facts are the same as in *Example 3.* The plan sponsor pays the required installment of $7,713 on April 15, 2017 and installments of $25,000 each on July 15, 2017 and October 15, 2017. However, only $10,000 of the installment due on January 15, 2018 is paid. No additional contributions are made until the final contribution for the plan year of $55,000 is paid on September 15, 2018.

(ii) The 2017 Schedule SB shows that the contributions for the plan year exceed the minimum required contribution. This is determined by comparing the net contribution requirement of $108,000 (equal to the minimum required contribution of $125,000 offset by $17,000 for the amount of funding standard carryover balance used) and the interest-adjusted contributions made for the 2017 plan year, developed as shown:

(A) The contribution paid April 15, 2017 is adjusted by discounting the contribution amount for 3½ months at the effective interest rate ($7,713 ÷ $1.0590^{(3.5/12)}$ = $7,585).

(B) The contribution paid July 15, 2017 is discounted for 6½ months at the effective interest rate ($25,000 ÷ $1.0590^{(6.5/12)}$ = $24,236).

(C) The contribution paid October 15, 2017 is discounted for 9½ months at the effective interest rate ($25,000 ÷ $1.0590^{(9.5/12)}$ = $23,891).

(D) The contribution paid January 15, 2018 is discounted for 12½ months at the effective interest rate ($10,000 ÷ $1.0590^{(12.5/12)}$ = $9,420).

(E) Pursuant to paragraph (b)(4)(ii) of this section, the interest rate used to adjust the $15,000 underpayment of the required installment due January 15, 2018 is increased by 5 percentage points for the 8-month period of underpayment (January 15, 2018 through September 15, 2018). Accordingly, $15,000 of the contribution paid on September 15, 2018 is discounted using a rate of 10.90% for 8 months to the due date of January 15, 2018, and is then further adjusted using the 5.90% effective interest rate for the 12½ months between the required installment due date of January 15, 2018 and the valuation date of January 1, 2017. This portion of the September 15, 2018 contribution results in an adjusted amount of $13,189 as of January 1, 2017 ($15,000 ÷ $1.1090^{(8/12)} \div 1.0590^{(12.5/12)}$).

(F) The remaining $40,000 of the contribution paid on September 15, 2018 is discounted using the effective interest rate of 5.90% for the 20½-month period between the date of payment and the valuation date. This portion of the payment is therefore adjusted to $36,268 as of the valuation date (that is, $40,000 ÷ $1.0590^{(20.5/12)}$).

(G) The sum of the contributions (as calculated in paragraphs (ii)(A) through (F) of this *Example 5*) for the 2017 plan year paid through September 15, 2018, adjusted for interest to the valuation date, is $114,589. This is greater than the net contribution required for the 2017 plan year of $108,000.

Example 6. (i) The facts are the same as in *Example 5,* except that the plan sponsor does not make the contribution on September 15, 2018.

(ii) The 2017 Schedule SB shows an unpaid minimum required contribution of $42,868 as of January 1, 2017. This is equal to the difference between the net contribution required for 2017 of $108,000 (the minimum required contribution of $125,000, offset by $17,000 for the amount of the funding standard carryover balance used) and $65,132 (the interest-adjusted contributions made for the 2017 plan year before the 8½ month deadline, as illustrated in paragraphs (ii)(A) through (ii)(D) of *Example 5*).

Example 7. (i) The facts are the same as in *Example 1,* except that the plan year is changed to an August 1–July 31 plan year effective August 1, 2017. This results in a short plan year beginning January 1, 2017 and ending July 31, 2017. The minimum required contribution for the 7-month period covered by the plan year is calculated as $72,917 in accordance with § 1.430(a)–1(b)(2)(ii).

(ii) As provided in paragraph (c)(7) of this section, a required installment is due 15 days after the end of the short plan year (August 15, 2017), and required installments are also due on the regularly scheduled due dates for required installments that occur within the short plan year (April 15, 2017 and July 15, 2017).

(iii) The required installments are determined based on the lesser of (a) 90% of the minimum required contribution for the short plan year ending July 31, 2017 (90% of $72,917, or $65,625) or (b) 7/12 of 100% of the 2016 minimum required contribution ($100,000 × 7/12, or $58,333). The required installments are thus based on $58,333 because that is the smaller amount.

(iv) The amount of each required installment is determined by dividing the amount determined in paragraph (iii) of this *Example 7* by the number of required installments for the short plan year. This calculation results in required installments of $19,444 each (that is, $58,333 divided by 3 installments).

(v) The deadline for the remaining payment is 8½ months after the end of the short plan year, or April 15, 2018. If the plan sponsor pays the minimum required amount at each installment date, does not elect to offset any amounts by any funding standard carryover or prefunding balance, and makes a final payment on April 15, 2018, then the remaining payment is $17,429, determined as follows:

(A) The contribution paid April 15, 2017 is adjusted by discounting the contribution amount for 3½ months at the effective interest rate ($19,444 ÷ $1.0590^{(3.5/12)}$ = $19,122).

(B) The contribution paid July 15, 2017 is discounted for 6½ months at the effective interest rate ($19,444 ÷ $1.0590^{(6.5/12)}$ = $18,850).

(C) The contribution paid August 15, 2017 is discounted for 7½ months at the effective interest rate ($19,444 ÷ $1.0590^{(7.5/12)}$ = $18,760).

(D) The sum of the contributions for the 2017 plan year paid through August 15, 2017, adjusted for interest to the valuation date, is $56,732. The remaining amount paid April 15, 2018 for the 2017 plan year is ($72,917 − $56,732) × $1.059^{(15.5/12)}$ = $17,429.

Example 8. (i) Plan B has an August 10 to August 9 plan year.

(ii) For the plan year that begins on August 10, 2017, a plan month begins on the 10th day of each calendar month. Accordingly, the due dates for the required installments for that plan year are November 24, 2017, February 24, 2018, May 24, 2018 and August 24, 2018. The deadline for the final contribution for the plan year is April 24, 2019.

Example 9. (i) Plan C has a funding standard carryover balance of $0 and a prefunding balance of $65,000 as of January 1, 2017. Plan C's funding ratio for 2016 (determined under § 1.430(f)–1(d)(3)) was over 80%. The minimum required contribution for Plan C (determined prior to any offset for the funding standard carryover balance) is $120,000 for 2016. Required installments for the 2016 plan year were made timely, and the final installment of the minimum required contribution for the 2016 plan year is due on September 15, 2017 in the amount of $40,000.

(ii) Prior to April 15, 2017, the plan sponsor makes a standing election to use Plan C's funding balances to offset any otherwise unpaid required installments and any otherwise unpaid minimum required contribution. On June 1, 2017, the actuary completes the 2017 valuation and notifies the plan sponsor that the minimum required contribution for the 2017 plan year is $100,000. The effective interest rate for the 2017 plan year is 5.90%. No contributions are made for the 2017 plan year until September 15, 2018.

(iii) The first required installment for the 2017 plan year is due on April 15, 2017. Under § 1.430(f)–1(f)(1)(iii)(B), the amount of the prefunding balance used as of April 15, 2017 pursuant to the standing election is 25% of the $120,000 required annual payment for the 2016 plan year ($30,000). The prefunding balance is reduced by this amount, adjusted for the 3½-month period between the January 1, 2017 valuation date and the April 15, 2017 due date, using the effective rate for Plan C for 2017 ($30,000 ÷ $1.0590^{(3.5/12)}$, or $29,503). The prefunding balance is available to offset the April 15, 2017 required installment even though the minimum required contribution for the 2016 plan year has not yet been made, because the standing election to use Plan C's balances to offset the minimum required contribution for

the 2016 plan year does not take effect until the due date for that contribution, or September 15, 2017. Therefore, as of April 15, 2017, the prefunding balance still exists and may be used to offset the required installment due as of that date.

(iv) The second required installment for the 2017 plan year is due on July 15, 2017, after the actuary determined the minimum required contribution for the 2017 plan year. The required annual payment for 2017 is equal to the lesser of (a) 100% of the 2017 minimum required contribution ($120,000) or (b) 90% of the 2017 minimum required contribution (90% of $100,000, or $90,000). Therefore, each required installment for 2017 is 25% of $90,000, or $22,500.

(v) Although the amount of the required installments for 2017 ($22,500) is smaller than the amount based on the 2016 minimum required contribution ($30,000), under § 1.430(f)–1(f)(1)(iii)(B), the amount of the prefunding balance used under the standing election continues to be the $30,000 based on the minimum required contribution for the 2016 plan year. Alternatively, the plan sponsor can make a replacement formula election to use the prefunding balance to cover the remaining required installments for the 2017 plan year as described in § 1.430(f)–1(f)(1)(iii)(C), based on required installments of $22,500 each.

(vi) The use of $30,000 of the prefunding balance as of April 15, 2017 pursuant to the standing election is irrevocable, and therefore the prefunding balance is not adjusted to reflect the fact that the first required installment for the 2017 plan year (based on the actual 2017 minimum required contribution) is lower than $30,000.

(vii) However, the excess of the $30,000 of prefunding balance used on April 15, 2017 over the first required installment is allocated toward the second required installment. In addition, if the plan sponsor makes a replacement formula election in accordance with § 1.430(f)–1(f)(1)(iii)(C), the amount of prefunding balance used pursuant to that election takes into account the actual required installment. In this case, the amount of the prefunding balance used to satisfy the July 15, 2017 required installment is $14,437. This amount is determined by (1) calculating the excess of the amount of the prefunding balance used on April 15, 2017 over the amount of the required installment due on that date ($30,000 − $22,500 = $7,500), and adjusting it for the 3 months from April 15, 2017 to July 15, 2017, using the effective interest rate ($7,500 × $1.0590^{(3/12)}$ = $7,608), (2) deducting that amount from the required installment due July 15, 2017, to determine the net amount due as of that date ($22,500 − $7,608 = $14,892), and (3) adjusting the net amount to the valuation date of January 1, 2017 for the 6½-month period between the valuation date and the due date for the required installment, using the effective interest rate for Plan C for 2017 ($14,892 ÷ $1.0590^{(6.5/12)}$ = $14,437).

Example 10. (i) The facts are the same as in *Example 9,* except that Plan C's prefunding balance as of January 1, 2017 is only $20,000, and Plan C's sponsor makes a contribution larger than the minimum required contribution for the 2016 plan year on March 1, 2017.

(ii) The amount of the April 15, 2017 required installment that is satisfied by the plan sponsor's election to offset the prefunding balance is calculated by increasing the January 1, 2017 prefunding balance with interest for 3½ months to April 15, 2017, using the effective interest rate for Plan C for 2017. This results in an offset of $20,337 ($20,000 × $1.0590^{(3.5/12)}$). A cash contribution of $2,163 ($22,500 − $20,337) is needed to satisfy the required installment on that date.

(iii) The excess contribution made for the 2016 plan year cannot be used to offset the remainder of the April 15, 2017 required installment even though it was contributed prior to the date the installment is due, because the sponsor had not yet elected to credit the excess contribution to the prefunding balance. If the plan sponsor elects at a later date to credit the excess contribution to the prefunding balance, the amount can be used to offset required installments due on or after the date of that election. However, note that if Plan C's actuary reflected the excess contribution for 2016 in certifying the 2017 adjusted funding target attainment percentage (AFTAP) used to apply benefit restrictions under section 436, a later election to credit the excess contribution to the prefunding balance would reduce the AFTAP and could cause Plan C to violate section 436.

Example 11. (i) Plan D is not a small plan described in § 1.430(g)–1(b)(2). The valuation date for Plan D is January 1, and Plan D's funding target attainment percentage (FTAP) was 82% as of January 1, 2016 and is 90% as of January 1, 2017. The amount needed to increase the plan's FTAP for the 2017 plan year to 100% (including the expected increase in the funding target due to benefits accruing or earned during the plan year) is $500,000. Before taking the liquidity requirement of paragraph (d) of this section into account, the plan sponsor of Plan D is required to pay installments for the 2017 plan year in the amount of $50,000 each. During the 12-month period ending March 31, 2017, periodic annuity payments of $425,000 and single sum payments of $200,000 were made by Plan D. Of the single sum payments, $125,000 were made during the 2016 plan year and $75,000 were made during the 2017 plan year. None of these payments were due to nonrecurring circumstances. In addition, administrative expenses of $25,000 were paid from the plan trust during the 12-month period ending March 31, 2017. As of March 31, 2017, the reported value of Plan D's assets is $1,500,000, and the fair market value of Plan D's liquid assets is $1,300,000.

(ii) The amount of the adjusted disbursements from Plan D for the 12-month period ending March 31, 2017 is calculated as the sum of the annuity benefits, single sum payments, and administrative expenses paid during the 12-month period, reduced by the product of the plan's FTAP and the sum of the single sum payments and any payments for annuities purchased during the plan year. This results in adjusted disbursements for the period of $480,000 (that is, $425,000 plus $200,000 plus $25,000, reduced by 82% of $125,000 in single sum payments during 2016 and 90% of $75,000 in single sum payments during 2017).

(iii) The base amount is calculated in accordance with paragraph (e)(6)(ii) of this section as three times the adjusted disbursements determined in paragraph (ii) of this *Example 11,* or $1,440,000.

(iv) The liquidity shortfall is the difference between the base amount of $1,440,000 determined in paragraph (iii) of this *Example 11* and the $1,300,000 in liquid assets as of March 31, 2017, or $140,000. The required installment due on April 15, 2017 is therefore $140,000, since this amount is larger than the $50,000 installment otherwise required, but less than the $500,000 needed to increase the plan's FTAP (including the expected increase in the funding target due to benefits accruing or earned during the plan year) to 100%.

(v) Note that any contributions of liquid assets made through March 31, 2017 are reflected for purposes of determining the fair market value of Plan D's liquid assets as of March 31, 2017 and are not applied toward satisfying the liquidity requirement as of April 15, 2017. Similarly, any funding standard carryover balance or prefunding balance as of January 1, 2017 cannot be applied to offset the liquidity requirement. Only contributions made in cash or other liquid assets made after March 31, 2017 and by April 15, 2017 can be used to timely satisfy this requirement.

Example 12. (i) The facts are the same as in *Example 11.* The plan sponsor makes a cash contribution for the 2017 plan year of $30,000 on April 15, 2017, and makes an additional cash contribution for the 2017 plan year of $110,000 on April 30, 2017. The effective interest rate for Plan D for the 2017 plan year is 5.90%.

(ii) Under paragraph (d)(3)(i) of this section, the underpayment of the required installment due April 15, 2017 is $110,000 (that is, $140,000 minus $30,000).

(iii) Because the $110,000 contribution was made after the due date for the required installment (which reflects an unpaid liquidity amount) but during the quarter in which the installment was due, and because that contribution does not exceed the unpaid liquidity amount for the quarter, the special interest adjustment under paragraph (b)(4)(iii) of this section applies to the entire amount of the contribution. Accordingly, the contribution is adjusted for interest in two steps for the purpose of determining the portion of the minimum required contribution that is satisfied by the contribution. In the first step, the contribution is adjusted using the effective interest rate for the 2-month period from the payment date of April 30, 2017 to June 30, 2017, the last day of the quarter during which the liquidity requirement was due ($110,000 × $1.0590^{(2/12)}$ = $111,056). In the second step, this amount is adjusted as if that amount had been paid on June 30, 2017. Accordingly, this amount ($111,056) is discounted for interest at a rate of 10.90% (the effective interest rate for the 2017 plan year of 5.90%, increased by 5 percentage points) for the 2½-month period from June 30, 2017 to the April 15, 2017 due date for the installment, and is further discounted using the effective interest rate of 5.90% for the 3½-month period

between April 15, 2017 and the valuation date of January 1, 2017. Therefore, the April 30, 2017 contribution is adjusted to $106,886 as of January 1, 2017 ($111,056 ÷ $1.1090^{(2.5/12)}$ ÷ $1.0590^{(3.5/12)}$).

(iv) The $140,000 contributed during April 2017 is needed to satisfy the required installment due April 15, 2017 (determined taking into account the liquidity shortfall as of March 31, 2017), and so the full amount is applied to satisfy that installment. No portion of those contributions is applied to the required installments for subsequent quarters, and no additional payments are needed to satisfy the required installment due April 15, 2017 (because the $110,000 payment satisfies both the unpaid liquidity amount and the remaining amount of the required installment described under paragraph (c)(5) of this section).

Example 13. (i) The facts are the same as in *Example 12,* except that the plan sponsor does not make the second cash contribution of $110,000 on April 30, 2017, but instead makes a second cash contribution of $75,000 for the 2017 plan year on July 15, 2017. The base amount as of June 30, 2017 calculated in accordance with paragraph (e)(6)(ii) of this section is $1,500,000, and the fair market value of liquid assets as of that date is $1,400,000.

(ii) Under paragraph (d)(3)(i) of this section, the underpayment of the required installment due April 15, 2017 is $110,000 (that is, $140,000 minus $30,000).

(iii) As of June 30, 2017, no portion of the $110,000 underpayment of the required installment due April 15, 2017 has been satisfied. Under paragraph (d)(3)(iv)(A) of this section, to the extent that the amount due April 15, 2017 solely because of the liquidity requirement under paragraph (d)(1) of this section is not satisfied with a contribution of liquid assets during the quarter, this amount is no longer considered unpaid. Of the $110,000 underpayment of the required installment that was due on April 15, 2017, $20,000 would have been due without regard to the liquidity requirement under paragraph (d)(1) of this section and $90,000 was due solely because of that liquidity requirement. Accordingly, as of July 1, 2017, $90,000 of the required installment due on April 15, 2017 is no longer treated as unpaid and $20,000 of that required installment continues to be treated as unpaid.

(iv) Under paragraph (d)(3)(iv)(B) of this section, the interest adjustment in paragraph (b)(4)(iii) of this section for the $90,000 portion of the installment due April 15, 2017 that is no longer treated as unpaid is given effect through an increase in the minimum required contribution. This increase to the minimum required contribution is $837, which is determined as the difference between:

(A) The $90,000 portion of the required installment that is no longer treated as unpaid by reason of paragraph (d)(3)(iv)(A) of this section, discounted for the 6-month period between June 30, 2017 (the last day of the quarter in which the liquidity amount was due) to January 1, 2017 (the valuation date) using the plan's effective interest rate for 2017 (5.90%), resulting in $87,457 (that is, $90,000 ÷ $1.0590^{(6/12)}$), and

(B) The $90,000 portion of the required installment that is no longer treated as unpaid by reason of paragraph (d)(3)(iv)(A) of this section, discounted for the 2½-month period between June 30, 2017 and the April 15, 2017 due date using the plan's effective interest rate increased by 5 percentage points (10.90%), and further discounted for the 3½-month period between April 15, 2017 and January 1, 2017 valuation date using the plan's effective interest rate, for a result of $86,620 (that is, $90,000 ÷ $1.1090^{(2.5/12)}$ ÷ $1.0590^{(3.5/12)}$).

(v) The remainder of the required installment that was due on April 15, 2017 without regard to the liquidity requirement ($20,000) remains unpaid until the July 15, 2017 contribution is made. Under paragraph (c) of this section, $20,000 of the July 15, 2017 contribution must be allocated to the required installment due on April 15, 2017. The interest adjustment under paragraph (b)(4)(ii) of this section applies to that $20,000 portion of the contribution because it is a late payment of a required installment. Accordingly, $20,000 of the July 15, 2017 contribution is adjusted to April 15, 2017, using an interest rate of 10.90% for the 3-month period between July 15, 2017 and the April 15, 2017 due date, and further adjusted using the effective interest rate of 5.90% for 3½ months between April 15, 2017 and the January 1, 2017 valuation date. Therefore, the portion of the July 15, 2017 contribution attributable to the April 15, 2017 required installment is adjusted to $19,166 as of January 1, 2017 ($20,000 ÷ $1.1090^{(3/12)}$ ÷ $1.0590^{(3.5/12)}$).

(vi) The liquidity shortfall is recalculated as of June 30, 2017 as $100,000 (that is, the base amount of $1,500,000 minus the value of liquid assets of $1,400,000). This amount is larger than the $50,000 required installment otherwise applicable, and so the amount of the required installment due on July 15, 2017 is $100,000. Of the $75,000 contribution made on July 15, 2017, $20,000 is applied to satisfy the remainder of the required installment due April 15, 2017, and the remaining $55,000 is applied toward the required installment due July 15, 2017. An additional contribution of $45,000 in liquid assets is needed to satisfy the required installment due July 15, 2017.

(vii) If instead there were no liquidity shortfall as of June 30, 2017, the required installment due July 15, 2017 would be $50,000. Of the $75,000 contribution made on July 15, 2017, $20,000 would be applied to satisfy the remainder of the required installment due April 15, 2017, $50,000 would be applied to satisfy the required installment due on July 15, 2017, and the remaining $5,000 would be applied toward the next required installment.

Example 14. (i) Plan E, which is a small plan described in section 430(g)(2)(B), has a calendar year plan year and a valuation date of December 31. The required installments for the 2017 plan year are $30,000 each and each of the required installments is paid on the due date. The effective interest rate for Plan E for the 2017 plan year is 5.90%.

(ii) The total contributions made for the plan year and before the valuation date, adjusted with interest to the valuation date, equal $92,402. This is developed as shown below:

(A) The contribution paid April 15, 2017 is adjusted by increasing the contribution amount for 8½ months at the effective interest rate ($30,000 × $1.0590^{(8.5/12)}$ = $31,243).

(B) The contribution paid July 15, 2017 is increased for 5½ months at the effective interest rate ($30,000 × $1.0590^{(5.5/12)}$ = $30,799).

(C) The contribution paid October 15, 2017 is increased for 2½ months at the effective interest rate ($30,000 × $1.0590^{(2.5/12)}$ = $30,360).

(iii) Pursuant to § 1.430(g)–1(d)(2), the interest-adjusted value of the contributions for the 2017 plan year that are made before the valuation date is subtracted from the December 31, 2017 plan assets in determining the value of plan assets for the December 31, 2017 actuarial valuation.

Example 15. (i) The facts are the same as in *Example 14,* except that the first contribution for the 2017 plan year is made on May 15, 2017 in the amount of $40,000. The remaining amount of each required installment is paid on the date it is due.

(ii) In accordance with paragraph (c)(3)(iii) of this section, the amount of the required installment due on April 15, 2017 remains at $30,000, even though the associated contribution was not paid until May 15, 2017. Therefore, $30,000 of the payment is allocated to the April 15, 2017 required installment and the remaining $10,000 is allocated to the installment due on July 15, 2017.

(iii) Under paragraph (c)(3)(ii) of this section, the portion of the May 15, 2017 contribution allocated to the July 15, 2017 required installment is increased for interest for the 2 months between the date of the contribution and the due date, using the effective interest rate for 2017. Therefore, the amount allocated to the July 15, 2017 installment is $10,096 (that is, $10,000 × $1.0590^{(2/12)}$). The remaining installment due July 15, 2017 is $30,000 minus $10,096, or $19,904.

(iv) The total amount credited against the minimum required contribution is $122,062 as of December 31, 2017. This amount is calculated as shown below:

(A) The portion of the May 15, 2017 contribution allocated to the April 15, 2017 required installment is first adjusted for the 1 month between the due date and the payment date using the effective interest rate plus 5% ($30,000 ÷ $1.1090^{(1/12)}$ = $29,742). This amount is then adjusted using the effective interest rate, for the 8½ months between the due date of April 15, 2017 and the valuation date of December 31, 2017 ($29,742 × $1.0590^{(8.5/12)}$ = $30,975).

(B) The remaining portion of the May 15, 2017 contribution ($10,000) is increased for the 7½ months between the date of the contribution and the valuation date at the effective interest rate ($10,000 × $1.0590^{(7.5/12)}$ = $10,365).

(C) The contribution paid July 15, 2017 is increased for 5½ months at the effective interest rate ($19,904 × $1.0590^{(5.5/12)}$ = $20,434).

(D) The contribution paid October 15, 2017 is increased for 2½ months at the effective

interest rate ($30,000 × 1.0590$^{(2.5/12)}$ = $30,360).

(E) The contribution paid January 15, 2018 is discounted for ½ month at the effective interest rate ($30,000 ÷ 1.0590$^{(0.5/12)}$ = $29,928).

(v) The amount deducted from valuation assets as of December 31, 2017 for contributions made before the valuation date is determined without regard to the special interest adjustment for late payment of the required installment due April 15, 2017 (and without regard to the contribution paid on January 15, 2018).

Example 16. (i) Plan F has a required installment of $10,000 per quarter for the 2016 plan year. The plan sponsor makes a contribution of $9,993 on April 10, 2016. The effective interest rate for Plan F for the 2016 plan year is 5.90%.

(ii) In accordance with paragraph (c)(3)(ii) of this section, the contribution is increased for interest at the effective interest rate, for the 5 days between the contribution date and the due date for the required installment. Therefore, the amount credited against the required installment due April 15, 2016 is $10,001 ($9,993 × 1.0590$^{(5/365)}$), and the required installment is satisfied.

Example 17. (i) The facts are the same as in *Example 16,* except that a contribution of $8,000 is made on April 20, 2016.

(ii) In accordance with paragraph (c)(3)(iii) of this section, the amount of the required installment due on April 15, 2016 remains at $10,000, even though the associated contribution was not paid until after the due date, and so $2,000 ($10,000 − $8,000) of the required installment remains unpaid as of April 20, 2016.

(iii) The amount of the April 20, 2016 contribution credited against the minimum required contribution for 2016 is $7,858. This amount is determined by first adjusting the contribution for the 5 days between the due date for the required installment and the date of the contribution using the effective interest rate for Plan F for the 2016 plan year, plus 5% ($8,000 ÷ 1.1090$^{(5/365)}$ = $7,989). The result is further adjusted for the 105 days from the due date for the required installment to the valuation date of January 1, 2016 using the effective interest rate of 5.90% ($7,989 ÷ 1.0590$^{(105/365)}$ = $7,858).

(iv) Alternatively, the amount of the April 20, 2016 contribution credited against the minimum required contribution for 2016 could be determined using 3½ months between the due date for the required installment and the January 1, 2016 valuation date, as long as the calculation is done consistently for each contribution and for each plan year. Using this approach, the amount adjusted to the April 15, 2016 due date (using the effective interest rate for Plan F for the 2016 plan year plus 5%) is adjusted to January 1, 2016 for 3½ months at the effective interest rate for Plan F for the 2016 plan year. Under this approach, the amount credited against the minimum required contribution is $7,856 ($8,000 ÷ 1.1090$^{(5/365)}$ ÷ 1.0590$^{(3.5/12)}$).

Example 18. (i) Plan G has a funding standard carryover balance of $15,000 and a prefunding balance of $50,000 as of January 1, 2016. Plan G's required installments are $25,000 each for the 2017 plan year, and the final installment of the minimum required contribution for the 2016 plan year is due on September 15, 2017, in the amount of $40,000. Plan G's funding ratios for both 2015 and 2016 (determined under § 1.430(f)–1(d)(3)) were over 80%. No elections were made to reduce or use Plan G's funding balances during 2016. The effective interest rate for Plan G for the 2016 and 2017 plan years are 5.40% and 5.90%, respectively.

(ii) On April 15, 2017, Plan G's sponsor elected to use the balances to offset the required installment due on that date. The amount of the required installment is adjusted to January 1, 2017, using the effective interest rate for 2017 to determine the amount by which the balances are reduced. Accordingly, this election results in a reduction of $24,585 ($25,000 ÷ 1.0590$^{(3.5/12)}$ in the funding balances as of January 1, 2017.

(iii) On September 15, 2017, Plan G's sponsor elected to use the balances to offset the remaining minimum required contribution for the 2016 plan year due on that date. This amount is adjusted to January 1, 2016, using the effective interest rate for 2016 to determine the amount by which the balances are reduced. Accordingly, this election results in a reduction of $36,563 ($40,000 ÷ 1.0540$^{(20.5/12)}$ in Plan G's funding balances as of January 1, 2016.

(iv) Section 430(f)(3)(B) and § 1.430(f)–1(d)(2) require that the funding standard carryover balance be exhausted before the prefunding balance is used to offset required contribution amounts. Although the due date for the April 15, 2017 required installment occurs earlier than the due date for the 2016 minimum required contribution, for this purpose contributions for the 2016 plan year are deemed to occur before those for the 2017 plan year. Therefore, the election to offset the 2016 minimum required contribution will eliminate Plan G's funding standard carryover balance, and the 2017 required installment due April 15, 2017 will be offset by the prefunding balance.

(g) *Effective/applicability dates and transition rules*—(1) *Statutory effective date/applicability date.* Section 430 generally applies to plan years beginning on or after January 1, 2008. The applicability of section 430 for purposes of determining the minimum required contribution is delayed for certain plans in accordance with sections 104 through 106 of PPA '06.

(2) *Effective date/applicability date of regulations.* This section applies to plan years beginning on or after January 1, 2016. For plan years beginning before January 1, 2016, plans are permitted to rely on the provisions set forth in this section for purposes of satisfying the requirements of section 430(j).

(3) *First effective plan year.* For purposes of this section, the *first effective plan year* for a plan is the first plan year after the pre-effective plan year.

(4) *Pre-effective plan year.* For purposes of this section, the *pre-effective plan year* is the plan year described in § 1.430(a)–1(h)(5).

(5) *Special rules relating to first effective plan year*—(i) *Determination of minimum required contribution for pre-effective plan year.* In the case of the plan's first effective plan year, the minimum required contribution for the preceding plan year for purposes of paragraph (c)(5)(ii)(B) of this section is equal to the minimum required contribution under section 412 for the pre-effective plan year (determined without regard to any funding waiver under section 412), determined as of the last day of the pre-effective plan year and without regard to the plan's credit balance.

(ii) *Determination of funding shortfall for pre-effective plan year*—(A) *First effective plan year that begins during 2008.* In general, in the case of a plan with a first effective plan year that begins during 2008, the funding shortfall for the pre-effective plan year that precedes it is determined pursuant to paragraph (e)(4) of this section. However, for this purpose, the plan's current liability for the pre-effective plan year under section 412(l)(7) (as in effect for the pre-effective plan year) is permitted to be used in place of the plan's funding target for the pre-effective plan year. In addition, for this purpose, the value of plan assets that was used for the pre-effective plan year is permitted to be used in place of the value of plan assets computed pursuant to § 1.430(g)–1(c) for the pre-effective plan year, provided that the value of plan assets that was used for the pre-effective plan year was not less than 90 percent nor more than 110 percent of the value of plan assets computed pursuant to § 1.430(g)–1(c). If the value of plan assets that was used for the pre-effective plan year was less than 90 percent of the value of plan assets computed pursuant to § 1.430(g)–1(c), then 90 percent of the value of plan assets computed pursuant to § 1.430(g)–1(c) is permitted to be used as the value of plan assets for the pre-effective plan year. If the value of plan assets that was used for the pre-effective plan year was more than 110 percent of the value of plan assets computed pursuant to § 1.430(g)–1(c), then 110 percent of the value of plan assets computed pursuant to § 1.430(g)–1(c) is permitted to be used as the value of plan assets for the pre-effective plan year. Finally, for this purpose, the value of plan assets is permitted to be determined without subtraction for the plan's credit balance for the pre-effective plan year.

(B) *First effective plan year begins after 2008.* In the case of a plan with a first effective plan year that begins after

December 31, 2008, the determination of the funding shortfall for the pre-effective plan year that immediately precedes it is made in accordance with paragraph (e)(4)(i) of this section. Thus, the funding shortfall for the pre-effective plan year is based on the funding target for the pre-effective plan year and the value of plan assets is determined under § 1.430(g)–1(c) for the pre-effective plan year, even though section 430(g) did not apply to the plan for purposes of determining the minimum required contribution for the pre-effective plan year.

■ **Par. 6.** Section 1.436–1 is amended as follows:

■ 1. Paragraph (h)(4)(iii)(C)(*7*) is amended by removing the word ''or''.

■ 2. Paragraph (h)(4)(iii)(C)(*8*) is amended by removing the word ''percentage.'' and adding the words ''percentage; or'' in its place.

■ 3. Paragraph (h)(4)(iii)(C)(*9*) is added.

The additions read as follows:

§ 1.436–1 Limits on benefits and benefit accruals under single employer defined benefit plans.

* * * * *

(h) * * *

(4) * * *

(iii) * * *

(C) * * *

(*9*) Any other event prescribed in guidance published in the Internal Revenue Bulletin.

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PART 54—PENSION EXCISE TAXES

■ **Par. 7.** The authority citation for part 54 continues to read in part as follows:

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

■ **Par. 8.** Section 54.4971(c)–1 is added to read as follows:

§ 54.4971(c)–1 Taxes on failure to meet minimum funding standards; definitions.

(a) *In general.* This section sets forth definitions that apply for purposes of applying the rules of section 4971.

(b) *Accumulated funding deficiency*—(1) *Multiemployer plans.* With respect to a multiemployer plan defined in section 414(f), the term *accumulated funding deficiency* has the meaning given to that term by section 431. A plan's accumulated funding deficiency for a plan year takes into account all charges and credits to the funding standard account under section 412 for plan years before the first plan year for which section 431 applies to the plan.

(2) *CSEC plans.* With respect to a CSEC plan (that is, a plan that fits within the definition of a CSEC plan in section 414(y) for plan years beginning on or after January 1, 2014 and for which the election under section 414(y)(3)(A) has not been made), the term *accumulated funding deficiency* means the CSEC accumulated funding deficiency determined under section 433. A plan's CSEC accumulated funding deficiency for a plan year takes into account all charges and credits to the funding standard account under section 412 for plan years before the first plan year for which section 433 applies to the plan.

(c) *Unpaid minimum required contribution*—(1) *In general.* The term *unpaid minimum required contribution* means, with respect to any plan year, the portion of the minimum required contribution under section 430 for the plan year for which contributions have not been made on or before the due date for the plan year under section 430(j)(1). The unpaid minimum required contribution is determined after taking into account the interest adjustment to contributions under § 1.430(j)–1(b)(4) and any offsets from use of the funding balances under § 1.430(f)–1(d).

(2) *Accumulated funding deficiency for pre-effective plan year.* For purposes of this section, a plan's accumulated funding deficiency under section 412 for the pre-effective plan year is treated as an unpaid minimum required contribution for that plan year until correction is made under the rules of paragraph (d)(2) of this section.

(d) *Correct*—(1) *Accumulated funding deficiency.* With respect to an accumulated funding deficiency for a plan year that is described in paragraph (b) of this section, the term *correct* means to contribute, to or under the plan, the amount necessary to reduce the accumulated funding deficiency as of the end of that plan year to zero. To reduce the deficiency to zero, the contribution must include interest at the plan's valuation interest rate for the period between the end of that plan year and the date of the contribution (determined taking into account the rules of section 431(c)(8) or section 433(c)(9), as applicable).

(2) *Unpaid minimum required contribution*—(i) *In general.* With respect to an unpaid minimum required contribution for a plan year, the term *correct* means to contribute, to or under the plan, an amount that, when discounted to the valuation date for the plan year for which the unpaid minimum required contribution is due at the appropriate rate of interest, equals or exceeds the unpaid minimum required contribution. For this purpose, the appropriate rate of interest is the plan's effective interest rate for the plan year for which the unpaid minimum required contribution is due except to the extent that the payments are subject to additional interest as provided under section 430(j)(3) or (4).

(ii) *Pre-PPA accumulated funding deficiency.* With respect to the accumulated funding deficiency under section 412 for the pre-effective plan year that is described in paragraph (c)(2) of this section, the term *correct* means to contribute, to or under the plan, the amount of that accumulated funding deficiency increased with interest from the end of the pre-effective plan year to the date of the contribution at the plan's valuation interest rate for the pre-effective plan year.

(iii) *Ordering rule.* For purposes of section 4971 and this section, a contribution is attributable first to the earliest plan year of any unpaid minimum required contribution for which correction has not yet been made.

(3) *Corrective action of certain retroactive plan amendments.* Certain retroactive plan amendments that meet the requirements of section 412(d)(2) may reduce the minimum required contribution for a plan year, which would reduce the accumulated funding deficiency or the amount of the unpaid minimum required contribution for a plan year.

(e) *Taxable period*—(1) *In general.* The term *taxable period* means the period beginning with the end of the plan year in which there is an accumulated funding deficiency or unpaid minimum required contribution, whichever is applicable, and ending on the earlier of:

(i) The date of mailing of a notice of deficiency under section 6212 with respect to the tax imposed by section 4971(a); or

(ii) The date on which the tax imposed by section 4971(a) is assessed.

(2) *Special rule.* Where a notice of deficiency referred to in paragraph (e)(1)(i) of this section is not mailed because a waiver of the restrictions on assessment and collection of a deficiency has been accepted or because the deficiency is paid, the date of filing of the waiver or the date of such payment, respectively, is treated as the end of the taxable period.

(f) *Single-employer plan.* The term *single-employer plan* means a plan to which the minimum funding requirements of section 412 apply that is not a multiemployer plan as described in section 414(f). The term *single-employer plan* includes a multiple employer plan to which section 413(c) applies, other than a CSEC plan as described in paragraph (b)(2) of this section.

(g) *Examples.* The following examples illustrate the rules of this section.

Example 1. (i) Plan A, a single-employer defined benefit plan, has a calendar year plan year and a January 1 valuation date. The sponsor of Plan A has a calendar taxable year. Plan A has no funding shortfall as of January 1, 2008, and Plan A has no unpaid minimum required contributions for 2008 or any earlier plan year. The minimum required contribution for the 2009 plan year is $250,000. The plan sponsor makes one contribution for 2009 on July 1, 2009 in the amount of $200,000, and the sponsor does not make an election to use the prefunding balance or funding standard carryover balance to offset the minimum required contribution for 2009. The effective interest rate for Plan A for the 2009 plan year is 5.90%.

(ii) The contribution paid July 1, 2009 is discounted for 6 months (to the valuation date) at the effective interest rate ($200,000 ÷ $1.0590^{(6/12)}$ = $194,349). The unpaid minimum required contribution for the 2009 plan year is $250,000 minus $194,349, or $55,651. The excise tax due under section 4971(a) is 10% of the unpaid minimum required contribution, or $5,565.

Example 2. (i) The facts are the same as in *Example 1.* The plan sponsor makes an additional contribution of $175,000 on December 31, 2010.

(ii) Under the ordering rule in paragraph (d)(2)(iii) of this section, the contribution made on December 31, 2010 is applied first to correct the unpaid minimum required contribution for 2009. The portion of the contribution paid December 31, 2010 that is required to eliminate the unpaid minimum required contribution for 2009 (taking into account the 2009 effective interest rate for the 24 months between January 1, 2009 and the payment date of December 31, 2010), is $55,651 multiplied by $1.059^{(24/12)}$ or $62,412. The remaining payment of $112,588 ($175,000 minus $62,412) is applied to the contribution required for the 2010 plan year.

Example 3. (i) Plan B, a single-employer defined benefit plan, has a calendar year plan year. The sponsor of Plan B has a calendar taxable year. Plan B has an accumulated funding deficiency of $100,000 as of December 31, 2007, including additional interest due to late required installments during 2007. The valuation interest rate for the 2007 plan year is 7.5%.

(ii) In accordance with paragraph (c)(2) of this section, the accumulated funding deficiency under section 412 as of December 31, 2007 is considered an unpaid minimum required contribution until it is corrected. Pursuant to paragraph (d)(2)(ii) of this section, the amount needed to correct that accumulated funding deficiency is $100,000 plus interest at the valuation interest rate of 7.5% for the period between December 31, 2007 and the date of payment of the contribution.

(iii) The funding shortfall as of January 1, 2008 is calculated as the difference between the funding target and the value of assets as of that date. The assets are not adjusted by the amount of the accumulated funding deficiency. The fact that the contribution was not made for the 2007 plan year means that the January 1, 2008 funding shortfall is larger than it would have been otherwise.

Example 4. (i) The facts are the same as in *Example 3.* The minimum required contribution for the 2008 plan year is $125,000, but the plan sponsor does not make any required contributions for 2008.

(ii) The total unpaid minimum required contribution as of December 31, 2008 is the sum of the $100,000 accumulated funding deficiency under section 412 from 2007 and the $125,000 unpaid minimum required contribution for 2008, or $225,000. The section 4971(a) excise tax applies to the aggregate unpaid minimum required contributions for all plan years that remain unpaid as of the end of 2008. In this case, there is an unpaid minimum required contribution of $100,000 for the 2007 plan year and an unpaid minimum required contribution of $125,000 for the 2008 plan year. The section 4971(a) excise tax is 10% of the aggregate of those unpaid amounts, $22,500.

Example 5. (i) The facts are the same as in *Example 4,* except that the plan sponsor makes a contribution of $150,000 on December 31, 2008. No additional contributions are paid through September 15, 2009. Required installments of $25,000 each are due April 15, 2008, July 15, 2008, October 15, 2008, and January 15, 2009. Plan B's effective interest rate for the 2008 plan year is 5.75%.

(ii) In accordance with paragraph (c)(2) of this section, the accumulated funding deficiency under section 412 as of December 31, 2007 is treated as an unpaid minimum required contribution until it is corrected.

(iii) The December 31, 2008 contribution is first applied to the 2007 accumulated funding deficiency under section 412 that is treated as an unpaid minimum required contribution. Accordingly, the amount needed to correct the 2007 unpaid required minimum contribution ($100,000 multiplied by 1.075, or $107,500) is applied to eliminate this unpaid minimum required contribution for the 2007 plan year.

(iv) The remaining $42,500 December 31, 2008 contribution ($150,000 minus $107,500) is then applied to the 2008 minimum required contribution. This amount is first allocated to the required installment due April 15, 2008. In accordance with § 1.430(j)–1(b)(4)(ii) of this chapter, the adjustment for interest on late required installments is increased by 5 percentage points for the period of underpayment. Therefore, $25,000 of the remaining December 31, 2008 contribution is discounted using an interest rate of 10.75% for the 8½-month period between the payment date of December 31, 2008 and the required installment due date of April 15, 2008, and at the 5.75% effective interest rate for the 3½ months between April 15, 2008 and January 1, 2008. This portion of the December 31, 2008 contribution results in an adjusted amount of $22,880 (that is, $25,000 ÷ $1.1075^{(8.5/12)}$ ÷ $1.0575^{(3.5/12)}$) as of January 1, 2008.

(v) The remaining December 31, 2008 contribution is then applied to the required installment due July 15, 2008. The $17,500 balance of the December 31, 2008 contribution ($150,000 minus $107,500 minus $25,000) is paid after the due date for the second required installment. Accordingly, the remaining $17,500 contribution is adjusted using an interest rate of 10.75% for the 5½-month period between the payment date of December 31, 2008 and the required installment due date of July 15, 2008, and at the 5.75% effective interest rate for the 6½ months between July 15, 2008 and January 1, 2008. This portion of the December 31, 2008 contribution results in an adjusted amount of $16,202 (that is, $17,500 ÷ $1.1075^{(5.5/12)}$ ÷ $1.0575^{(6.5/12)}$) as of January 1, 2008.

(vi) The remaining unpaid minimum required contribution for 2008 is $125,000 minus the interest-adjusted amounts of $22,880 and $16,202 applied towards the 2008 minimum required contribution as determined in paragraphs (iv) and (v) of this *Example 5.* This results in an unpaid minimum required contribution of $85,918 for 2008. The section 4971(a) excise tax is 10% of the unpaid minimum required contribution, or $8,592.

Example 6. (i) Plan C, a single-employer defined benefit plan, has a calendar year plan year and a January 1 valuation date, and has no funding standard carryover balance or prefunding balance as of January 1, 2008. Plan C's sponsor has a calendar taxable year. The minimum required contributions for Plan C are $100,000 for the 2008 plan year, $110,000 for the 2009 plan year, $125,000 for the 2010 plan year, and $135,000 for the 2011 plan year. No contributions for these plan years are made until September 15, 2012, at which time the plan sponsor contributes $273,000 (which is exactly enough to correct the unpaid minimum required contributions for the 2008 and 2009 plan years).

(ii) The excise tax under section 4971(a) for the 2008 taxable year is 10% of the aggregate unpaid minimum required contributions for all plan years remaining unpaid as of the end of any plan year ending within the 2008 taxable year. Accordingly, the excise tax for the 2008 taxable year is $10,000 (that is, 10% of $100,000). The excise tax for the 2009 taxable year is $21,000 (that is, 10% of the sum of $100,000 and $110,000) and the excise tax for the 2010 taxable year is $33,500 (that is, 10% of the sum of $100,000, $110,000, and $125,000).

(iii) The contribution made on September 15, 2012 is applied to correct the unpaid minimum required contributions for the 2008 and 2009 plan years by the deadline for making contributions for the 2011 plan year. Therefore, the excise tax under section 4971(a) for the 2011 taxable year is based only on the remaining unpaid minimum required contributions for the 2010 and 2011 plan years, or $26,000 (that is, 10% of the sum of $125,000 and $135,000).

(iv) The plan sponsor may also be required to pay an excise tax of 100% under section 4971(b), if the unpaid minimum required contributions are not corrected by the end of the taxable period.

(h) *Effective/applicability dates and transition rules*—(1) *Statutory effective date*—(i) *In general.* In general, the amendments made to section 4971 by section 114 of the Pension Protection

Act of 2006, Public Law 109–280, 120 Stat. 780 (2006), as amended (PPA '06), apply to taxable years beginning on or after January 1, 2008, but only with respect to a plan year that—

(A) Begins on or after January 1, 2008; and

(B) Ends with or within any such taxable year.

(ii) *Plans with delayed PPA '06 effective dates.* In the case of a plan for which the effective date of section 430 for purposes of determining the minimum required contribution is delayed in accordance with sections 104 through 106 of PPA '06, the amendments made to section 4971 by section 114 of PPA '06 apply to taxable years beginning on or after January 1, 2008, but only with respect to a plan year—

(A) To which section 430 applies to determine the minimum required contribution of the plan; and

(B) That ends with or within any such taxable year.

(2) *Effective date of regulations.* This section is effective for taxable years beginning on or after the statutory effective date described in paragraph (h)(1) of this section, but in no event does this section apply to taxable years ending before April 15, 2008.

(3) *Pre-effective plan year.* For purposes of this section, the pre-effective plan year for a plan is the plan year described in § 1.430(a)–1(h)(5) of this chapter. Thus, except for plans with a delayed effective date under paragraph (h)(1)(ii) of this section, the pre-effective plan year for a plan is the last plan year beginning before January 1, 2008.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: July 17, 2015.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2015–20914 Filed 9–8–15; 8:45 am]

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FEDERAL REGISTER

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Part III

The President

Executive Order 13705—Designating the International Renewable Energy Agency as a Public International Organization Entitled To Enjoy Certain Privileges, Exemptions, and Immunities

Federal Register
Vol. 80, No. 174
Wednesday, September 9, 2015

Presidential Documents

Title 3—

The President

Executive Order 13705 of September 3, 2015

Designating the International Renewable Energy Agency as a Public International Organization Entitled To Enjoy Certain Privileges, Exemptions, and Immunities

Section 1. *Designation.* By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1 of the International Organizations Immunities Act (22 U.S.C. 288), and having found that the International Renewable Energy Agency is a public international organization in which the United States participates within the meaning of the International Organizations Immunities Act, I hereby designate the International Renewable Energy Agency as a public international organization entitled to enjoy the privileges, exemptions, and immunities provided by the International Organizations Immunities Act. This designation is not intended to abridge in any respect privileges, exemptions, or immunities that such organization otherwise may have acquired or may acquire by law.

Sec. 2. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) This order is not intended to, and does not, impair any right or benefit, substantive or procedural, enforceable at law or in equity that arises as a consequence of the designation in section 1 of this order.

THE WHITE HOUSE,
September 3, 2015.

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